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DEBATES OF
THE LEGISLATIVE ASSEMBLY
OF UNITED CANADA

VOLUME XIII

PART III

1856

1990

DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA
1841-1867

Centre de recherche en histoire/History Research Centre

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VOLUME XIII, PART III

1856

Edited by
Danielle Blais

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HISTORY RESEARCH CENTRE (HRC)
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TABLE OF CONTENTS

WEDNESDAY, 2 APRIL 1856	1053
THURSDAY, 3 APRIL 1856	1080
FRIDAY, 4 APRIL 1856	1120
MONDAY, 7 APRIL 1856	1156
TUESDAY, 8 APRIL 1856	1192
WEDNESDAY, 9 APRIL 1856	1224
THURSDAY, 10 APRIL 1856	1261
FRIDAY, 11 APRIL 1856	1286
MONDAY, 14 APRIL 1856	1318
TUESDAY, 15 APRIL 1856	1359
WEDNESDAY, 16 APRIL 1856	1390
THURSDAY, 17 APRIL 1856	1432
FRIDAY, 18 APRIL 1856	1448
MONDAY, 21 APRIL 1856	1476
TUESDAY, 22 APRIL 1856	1519
INDEX OF PROPER NAMES	1559

WEDNESDAY, 2 APRIL 1856

(225)

THE following Petitions were severally brought up, and laid on the table: —

By Mr. *Darche*, — The Petition of *Pierre Viger* and others, of *Boucherville*.

By Mr. *Terrill*, — The Petition of *Ralph Merry* and others, of the Township of *Magog*.

By Mr. *Clarke*, — The Petition of *James McLanagan* and others, of the western half of the Township of *Garafraxa*; and the Petition of *George Herrick* and others, Members of the Medical Profession residing in the City of *Toronto*.

By Mr. *Rhodes*, — The Petition of Mrs. *Catherine Moreton*, widow of the late *Robert Corrigan*; the Petition of *Richard Nettle* and others, of the City of *Quebec*; and the Petition of *William King* and others, of *St. Sylvester*.

By Mr. *Freeman*, — The Petition of *W.P. McLaren* and others.

By Mr. *Sidney Smith*, — The Petition of *Joseph Barnard*, Chairman, on behalf of a Public Meeting of the Inhabitants of the Township of *South Monaghan*.

By Mr. *Foley*, — The Petition of the Municipal Council of the County of *Waterloo*.

By Mr. *Sanborn*, — The Petition of the *Compton High School*.

(226)

By Mr. *Ferres*, — The Petition of the Municipality of the Township of *Brome*; and the Petition of the Municipal Council of the County of *Brome*.

By Mr. *James Smith*, — The Petition of *A.A. McLaughlin* and others, of the Township of *Mariposa*, County of *Victoria*.

By Mr. *Prévost*, — The Petition of *William Campbell* and others, of the Parish of *Lacorne*, County of *Terrebonne*; and two Petitions of *L'Institut Canadien des Artisans de Dumontville*, County of *Terrebonne*.

By Mr. Solicitor General *Smith*, — The Petition of *A. Parish* and others, of the County of *Leeds*.

By Mr. *Aikins*, — The Petition of *John Penelton* and others, of the Township of *Albion*, County of *Peel*; and the Petition of *T.H. Reeve* and others, of the County of *Wellington*.

By Mr. *Gould*, — The Petition of *William Pawson* and others, of the County of *Ontario*; the Petition of *John Buchanan* and others, of the Township of *Reach*; three Petitions of the Municipality of the Township of *Reach*; and the Petition of *Alexander McLean* and others, of the Township of *Mariposa*.

By Mr. *Hartman*, — The Petition of *William Tyrrell* and others, of *Weston*, Township of *York*, and County of *York*; and the Petition of the Reverend *Thomas Wightman* and others, of the Township of *York* and vicinity.

By Mr. *LeBoutillier*, — The Petition of the Reverend *Septimus Jones* and others, of the Township of *Percé*, District of *Gaspé*.

By Mr. *Pouliot*, — The Petition of the Reverend *Michael Kerrigan*, *Curé*, and others, of the Township of *Frampton*.

By Mr. *Frazer*, — The Petition of *J.B. Fares* and others, of the Township of *Humberstone*.

By Mr. *Brown*, — The Petition of *G.H. Field* and others; and the Petition of *George Montgomery* and others, of the Township of *Cartwright*, County of *Durham*.

By Mr. *Mackenzie*, — The Petition of Miss *Margaret Glann* and others, of the Township of *Oneida*, County of *Haldimand*; and the Petition of *Charles Hallam* and others, of the Townships of *Townsend* and *Walpole*.

By the Honorable Mr. *Cayley*, — The Petition of the *Toronto Board of Trade*; and the Petition of the Municipality of the Township of *Kinloss*, County of *Bruce*.

Pursuant to the Order of the day, the following Petitions were read: —

Of *Henry Price* and others, of *Hemmingford*; of *D. Wark* and others, of the County of *Chateauguay*; of the Reverend *Joseph Crévier*, *Curé*, and others, of the Parish of *St. Pie*, County

(227)

of *Bagot*; of *A. Carman*, and others, of the *Matilda* Division No. 22, of the Sons of Temperance; of *Horace Lyman* and others, of *Granby*; of *C. Mason Mills* and others, of the Township of *Matilda*; of *D.W. Mark* and others, of the Township of *Stanstead*; of *W.L. Oliver* and others, of the Township of *Barnston*; of *Mrs. Margaret Elder* and others; of *Eli Ives* and others, of the Township of *Compton*; of *O.K. Crosby* and others, of the Township of *Compton*; of *Lucius Spafford* and others, of the Township of *Compton*; of *Charles Kemp* and others, of *Sherbrooke*; of *William Brooks* and others, of *Sherbrooke*; of *Thomas Allen* and others, of *Fullarton*; of *William Moscrip* and others, of *Blanchard*; of *J. Hyde* and others, of the Town of *Stratford*, County of *Perth*; of the Reverend *W.M. Ross* and others, of the Village and Township of *Drummondville*; of *Patrick McCabe* and others, of the Township of *Wickham*; of the Reverend *David Dunkerly* and others, of *Durham*; of *G.C. Edwards* and others, of the Township of *Clarence*, County of *Russell*; of *Albert Hagar* and others, of the Township of *North Plantagenet*; of *C.C. Allen*, of *Chelsea*; of *Ephraim Chamberlain* and others, of the Township of *Hull*; of *Mrs. McGra* and others, of the Township of *Ops*, County of *Victoria*; of *George H. Bayly* and others, of *Port Hope*; of *James Lowes* and others, of the Township of *Hope*; of *S. Caldwell* and others, of the Township of *Hope*, County of *Durham*; of *A.A. McLaughlin* and others, of the Township of *Mariposa*; of *G.B. Christy* and others, of the Township of *Mariposa*; of *William Graham* and others, of the Townships of *Mariposa* and *Brock*; of *W. Learmouth* and others, of the Townships of *Otonabee* and *Asphodel*, County of *Peterborough*; of *J. Melvin* and others, of the County of *Hastings*; of *Mathew Anderson* and others, of the Township of *Ramsay*, County of *Lanark*; of *William Ireland* and others, of the Township of *Murray*; of *Thomas Hayat* and others, of the Township of *Haldimand*, County of *Northumberland*; of *John Walker* and others, Office-bearers of Perseverance Tent, No. 107, Independent Order of Rechabites; of *Octave Prévost* and others, of *La Côte des Neiges*; of the Reverend *W. Broxholme* and others, of the City of *Montreal*; of *William Tyler* and others, of the Township of *Erin*; of *W.D. Donaldson* and others, of the Village of *West Flamborough*; of *John Quarrey* and others, of the Town of *Dundas*; of *P. LeSueur* and others, of the City and District of *Quebec*; of the Leading Star Union, No. 33, Daughters of Temperance of *Quebec*; of *Mrs. Brodie* and others, Sons of Temperance, and others; of *Donald Kippen* and others, of the Township of *Bruce*, County of *Bruce*; of *Robert A. Young* and others, of the Township of *Brighton*; of *W. Shields* and others, of the Town of *Bolton*; and of *W.A. Mullen* and others, of the County of *Brant*; praying for the passing of a Prohibitory Liquor Law.

Of *William L. Smart*, of *Woodstock*, County of *Oxford*; praying for the passing of an Act to authorize the Courts of Queen's Bench, Common Pleas and Chancery in *Upper Canada*, to admit him to practise as an Attorney and Solicitor therein respectively.

Of the Reverend *Henry Patton*, of the Town of *Cornwall*, Rector; praying for the passing of an Act to enable him to sell a certain strip or gore of land in the said Town, and to invest the proceeds thereof in trust for the said Rectory.

Of *La Banque du Peuple* of *Montreal*; representing that owing to certain doubts entertained by the Directors of the Bank as to their right to accept the conditions imposed by the Act passed in the eighteenth year of Her Majesty's Reign, they have allowed the time fixed for that purpose to elapse, and praying for an Act to enable them to comply with the foregoing Act.

Of *William H. Smith* and others; praying for the passing of an Act making the Registration of Births and Deaths compulsory, and for providing for the proper care and publication of all records of the same.

Of the President and Secretary of the Conference of the *Wesleyan Methodist Church* in *Canada*, and of the Chairman and Secretary of the Board of *Victoria College*; praying that enlarged assistance may be granted to *Victoria College*, and that part of the funds now expended upon *Toronto University* and *University College*, may be annually appropriated to the several chartered Colleges.

Of the *Sherbrooke Library Association* and *Mechanics' Institute*; praying for aid.

Of *A.B. Papineau* and others, of the Parish of *St. Martin*; praying that the Parishes of *St. Martin* and *Ste. Thérèse* may not be annexed to the County of *Laval*.

Of the Reverend *Charles Trudelle* and others, of the Village of *Plessisville*, Township of *Somerset*; praying aid to erect a School House in the said Village.

(228)

Of *Edward Birch* and others, of *St. Joseph*, District of *Quebec*; of *S. Davis* and others, of the City of *London*; of *Joseph Pennoyer* and others, of *Sherbrooke*; of *George Hutton* and others, of *Richmond*; of *Henry Clifford* and others, of *St. Malachi*, County of *Dorchester*; of *P. Lidds* and others, of *St. Henry*, District of *Quebec*; of *George Browne* and others, of the City of *Toronto*; of *James Watson* and others, of the City of *Toronto*; of *P. Swords* and others, of the City of *Toronto*; of *Adam Beatie* and others, of the City of *Toronto*; of *A. Armstrong* and others, of the City of *Toronto*; and of *Henry McConkey* and others, of the City of *Toronto*; praying that the Bill now before the House, to prohibit the sale and manufacture of ale and spirits, may not become Law.

Of *Alexander M. MacGregor*; praying that if any Legislative enactment should pass to separate the Counties of *Huron* and *Bruce*, a clause may be introduced in the Bill to enable the Municipal Council of the County of *Bruce*, after the separation, to choose the County Town.

Of the Trustees of the Protestant School in the District of *St. Laurent*; praying for aid.

Of *William Hope* and others, of the Parish of *St. Gabriel de Brandon*; praying that measures may be adopted to have the boundaries of the Seigniorie *De Lanaudière* defined, and that *Samuel Gerrard* be compelled to pay the *Quint* by him due.

Of the School Commissioners of the Municipality of the Parish of *St. Roch de Quebec*; praying for aid.

Of *Edouard Robitaille*, Mayor, and others, of the Parish of *Charlesbourg*; praying for an enquiry into the conduct of the *Quebec* Turnpike Trustees, and also, that the macadamized Roads of *Quebec* and *Point Lévi* may be placed under separate control.

Of the Municipal Council of the County of *Quebec*; of *Asa Cooke* and others, of the Parishes of *Ste. Angélique* and *St. André Avellan*; praying for certain amendments to the Municipal and Road Act of 1855.

Of the Right Reverend the Bishop of *Tloa*, Administrator of the Diocese of *Quebec*, and others, of the City of *Quebec*; praying aid for the construction of a House of Industry.

Of the Municipality of the Parish of *St. Armand East*; praying for the passing of an Act to create the Counties of *Shefford*, *Missisquoi* and *Brome* into an independent Judicial District.

Of the Municipality of the Township of *Lochaber*, County of *Ottawa*; praying that a Circuit Court may be established in the Village of *Thurso*.

Of *John McNeely* and others, of the Township of *Ops*; of *W. Clarke* and others, of the Township of *Mariposa*, County of *Victoria*; of *Israel Ferguson* and others, of the Township of *Eldon*; and of *W.R. Dick* and others, of the Township of *Fenelon*, County of *Victoria*; praying that the Counties of *Victoria* and *Peterborough* may not be separated.

Of *Thomas Eyre* and others, of the Township of *Hamilton*; praying that no change may be made in the line between the sixth and seventh concessions of the Township of *Hamilton*.

Of *Robert Fleming Gourlay*; praying that the sentence of banishment passed upon him in the year 1819 may be annulled.

Of the *Hamilton Hotel Company*; praying for certain amendments to their Act of Incorporation.

Of the Agricultural Society of the County of *Middlesex*; praying that no authority may be given to the Agricultural Society of *Elgin* and *Middlesex* to dispose of a certain block of land in the Town of *London*, granted for the holding of Free Fairs.

Of *C.C. Brigham* and others, of the Township of *Hull*; praying that no power may be granted to dispose of the Building known as the Presbyterian Church in the Township of *Hull*, as prayed for in the Petition of *Noah Jackson* and others.

Of *Hewitt Bernard* of the Town of *Barrie*; praying for the passing of an Act to authorize the Courts of Queen's Bench, Common Pleas and Chancery in *Upper Canada*, to admit him to practise as an Attorney and Solicitor therein respectively.

Of the *Richmond Mechanics' Institute* and Library Association; praying for aid.

Of the Municipality of the Village of *Smith's Falls*; praying that no alteration may be made in the present line between the Townships of *Elmsley* and *Montague*.

Of the Agricultural Society of the County of *Elgin*; praying for the passing of an Act to authorize the Agricultural Society of the County of *Elgin* and of *Middlesex* to sell a certain block

(229)

of land in the Town of *London*, granted for the holding of Free Fairs, and to divide the proceeds in equal moieties between the said Agricultural Societies.

Of the Mechanics' Institute of *Aylmer*, County of *Elgin*; praying for aid.

Of the Municipality of the Township of *Brooke*; praying that no alteration may be made in the present territorial position of the County of *Lambton*.

Of *W.S. Vidal*, Chairman, and *Robert Mackenzie*, Secretary, on behalf of a Public Meeting of the inhabitants of the County of *Lambton*; of *D. McDougall* and others, of *Thornhill* and vicinity; and of the Reverend *Robert Dewar* and others, of *Sydenham*, County of *Grey*; praying for the repeal of the Separate School Act.

Of *Nathan Pawling* and others, of the Village of *Port Dalhousie*; praying for the passing of an Act to make vessels holden for all stores and provisions and labour obtained by them while passing through the *Welland Canal*.

Of *Timothy Hurley*, late a Private in Her Majesty's eighty-first Regiment; praying for aid.

Of *J. Gould* and others, Directors of the *Port Whitby* and *Lake Huron* Railway Company; praying for certain amendments to their Act of Incorporation.

Of the Reverend *M. Boomer* and others, of *Galt*; of *James Hall* and others, of the Town of *Peterborough* and vicinity; of the Reverend *John M. Roger* and others, of *Peterborough* and vicinity; of *William Scott* and others, of the County of *Two Mountains*; of *George Gott* and others, of *Amherstburg*; of *D. McDougall* and others, of *Chatham*; of the Reverend *H.J. Grasett* and others, of the City of *Toronto*; of the Reverend *John McTavish* and others; of *D. McDougall* and others, of *Thornhill* and vicinity; of the Reverend *M. Belt* and others; of the Reverend *David Watson* and others, of the Township of *Thorah*; and of *Alexander Sanson*, of the City of *Toronto*; praying for the abolition of Sunday labor in the Post Office Department, and on the *St. Lawrence Canals*.

Of the Reverend *Charles Trudelle* and others, of the Village of *Plessisville*, Township of *Somerset*; praying that the Village of *Plessisville* may be selected as the chief place of the new Judiciary District between the District of *Quebec* and the District of *St. Francis*.

Of *O. Stimpson* and others, of *Abbotsford*, County of *Rouville*, and other places; praying for aid to erect an Academy.

Of *F. Marchand* and others, of the Parish of *St. Jean*, County of *St. John's*; praying aid for the Academy in the said Parish.

Mr. Polette, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Second Report of the said Committee; which was read, as followeth: —

Your Committee have examined the Bill to incorporate the *Ontario Hotel Company*, and have agreed to several amendments, which they beg leave to submit for the consideration of Your Honorable House.

(230)

Ordered, That the Bill to incorporate the *Ontario Hotel Company*, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House for To-morrow.

Ordered, That, *Mr. Holton* have leave to bring in a Bill to incorporate the *Canada Marine Insurance Company*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

Ordered, That the Petition of *Thomas Mackie* and others, of the County of *Megantic*, be referred to the Special Committee appointed to inquire into the matter of the disturbances at *St. Sylvester*.

A message from the Legislative Council, by *John Fennings Taylor*, Esquire, one of the Masters in Chancery: —

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to change the Tenure of the Indian Lands in the Township of *Durham*," without any Amendment: And also,

The Legislative Council have passed a Bill, intituled, "An Act to amend and consolidate the several Acts incorporating the *Mount Royal Cemetery Company*," to which they desire the concurrence of this House: And also,

The Legislative Council have passed a Bill, intituled, "An Act to amend the Act to modify the Usury Laws," to which they desire the concurrence of this House: And also,

The Legislative Council have passed a Bill, intituled, "An Act to secure to Married Women certain separate rights of property," to which they desire the concurrence of this House.

And then he withdrew.

MR. BROWN rose to move a resolution in regard to the Rectories of Upper Canada. He said — the question which I am about to propose for the consideration of the house, is one which has engaged its attention on many occasions; and the last time it was presented, the Bill I had then the honour to move, came within five votes of being carried. I have some hopes that the resolution I am to present will on this occasion, obtain the support of a majority, and will put a final end to the agitation which has arisen out of this matter. I am sure it will not be necessary to enter at any great length, into a history of the Rectory Question of Upper Canada, because it must be quite familiar to almost every member of this house. Yet, I must ask leave to give a short *resumé* of it, in order that one or two points may be recalled to the memory of hon. gentlemen, and especially of hon. gentlemen from Lower Canada. It will be recollected that the Rectorial system of Upper Canada, was not instituted by the people of Upper Canada; that the first step towards the establishment of Rectories in this country, proceeded from the Imperial Government. In framing the Constitutional Act of 1791, the Imperial Government and Imperial Parliament, which gave us a constitution and the machinery of self-government, provided among other things the machinery by which we might have an Established Church in Upper Canada; and among other provisions for this purpose, there were placed in the constitutional act three clauses by which Rectories might be established and endowed. Hon. gentlemen who would refer to clauses 38, 39 and 40 of the act of 1791, will find that the Governor General, by one of those clauses, was empowered to divide the country into Rectories; in another clause he was empowered to set aside land for the endowment of those Rectories; and the third clause authorised the Governor General in that case to appoint Rectors to those Rectories, and on their demise to appoint successors. This act continued upon the Statute Book for a great many years — nearly fifty years — before any step was taken to give effect to it. For be it remembered that it did not establish Rectories — it only gave power to the Canadian Government to establish them at any time when demanded. — In 1836 the first action was taken on the subject. In that year the Governor General, being a High Churchman, and his advisers being High Churchmen, they determined to take advantage of the Rectory clauses of the Imperial act, and to establish a number of Rectories in Upper Canada. But so strong was the feeling against a dominant church, that they had not the courage to do it openly, to appeal to the people on it, and to carry out their purpose in the face of the country. — They prepared all the documents; and after Sir John Colborne had been recalled, and had arrived at New York on his way to England, the documents were promulgated. When it became known in the country that fifty-seven Rectories had been established in this way, without the consent and in defiance of the wishes of the people, and that a large tract of most valuable public land, amounting to 24,000 or 25,000 acres¹ [OR] to some 50,000 acres,² had been taken for the support of those Rectories, the greatest indignation was called forth all over the country. An appeal was made to the Home Government on the subject — and the Home Government having taken the advice of the law-officers of the Crown, repudiated the whole proceedings of Sir John Colborne, and declared he had no authority to establish the Rectories. But the then Archdeacon of York, now the Bishop of Toronto, went over to England to endeavour to show the Home Government that they were wrong. He succeeded in getting them to refer the matter back to the law-officers of the Crown — and, in the face of their former decision these gentlemen reversed their decision, and said that Sir John's proceedings were legal. We have thus a legal opinion on both sides of the question from the law-officers of England. The people of Upper Canada, however, were never satisfied with what had been done. A large majority considered it a deliberate robbery of the public domain, and a strong feeling has always

prevailed that they should be abolished. But it was not till the Reform party, after the Union, gained power at the election of 1847, that they had full opportunity of making an effort to leave them repealed. So soon as they gained power, however, the Reform party set to work to find out how these Rectories could be abolished and the land restored to the public. But when they proceeded to discuss the question, and insisted that the whole proceedings of Sir John Colborne should be set aside, they were met with this — “you cannot do that, because the lands have been set aside by Patents, and you surely cannot disturb so sacred a title.” The argument opposed to this was very plain. If those Patents had given the lands to any particular individual; if it had been said, the land was to be transferred by the Crown to the Rector of such a place, or the Bishop of such a diocese, or even to any particular church, there might have been some force in it. But, when these patents were looked closely into, it was found they were not of that character at all. The Governor General, under the three clauses of the Imperial Statute, set aside certain lands not to any particular Rectory or Rectories, or to any particular church, but simply, in the words of the instruments, to be “appurtenant to the said Rectory.” No individual had the right to say he had any personal interest in them; the lands were simply taken from a general public purpose, and set aside for a particular public purpose³ — the support of the Rectories⁴ — and power was directly given in the Constitutional Act, to the Provincial Parliament, to alter, vary, or repeal that appropriation, whenever it thought proper. The question then arose how we should proceed. My hon. friend from Niagara (Mr. Morrison) proceeded to take measures for the repeal of the Rectories, and introduced a Bill, which, not touching the patents, or attacking the thing directly, simply said, “Be it enacted that the three Rectory clauses of the Constitutional Act are hereby repealed.” Had my hon. friend’s bill passed, the result would have been, that the present Rectors would have had possession during their lives; but as they died, there being no power to appoint successors, the lands would have reverted to the Province. My hon. friend pressed his bill; but unfortunately there was a large majority of the house against him. They took the Bill out of his hands, and carried it so far as to repeal the three clauses; but they added another clause. Before stating what that was, I should explain that they took up this ground. They said, “there is no necessity for your abolishing the Rectories. The whole thing was a fraud, and the law-courts will set it aside. We will, therefore, address the Governor General, asking him to commence a law suit to test the legality of these Patents; and in the meantime we will authorize the Church Society, in the event of their legally being sustained, and until the question is decided, to appoint successors to the present Rectors, as they die out.” A clause to that effect was accordingly framed, and placed in my hon. friend’s Bill in defiance of his opposition, and an address was passed to the Governor General, asking him to institute a suit. This was in July, 1851; and a law-suit was commenced, which has now been going on for nearly five years. Lawyers without end have been retained, and the rare feature of the suit is that the war is being carried on on both sides with money out of the public purse! (Hear, hear.) The Government absolutely made the bargain that, whether the people of Canada lost or won the suit, they would pay the costs on both sides! (Hear, hear.) They went to war with their enemy; but before doing so, they furnished him with ammunition to carry on the fight. And as the effect of this most strange arrangement — how far has the law suit advanced at this moment? There has not been one single decision given upon it! (Hear, hear.) It has been argued before the Court of Chancery — it is waiting the decision of the Judges — but that given, will it end there? No. The suit is to be appealed to the Court of Appeals — and thence it is to be sent to England, and finally ended after enormous expense, before the Privy Council of Great Britain. And when may we expect that all these stages will be passed and a final decision obtained on it?⁵

MR. HARTMAN. — Never!⁶

MR. BROWN. — My hon. friend says “never!” Very certainly a *favorable* decision will never be obtained.⁷

MR. J. MORRISON (Niagara). — Nothing of the kind.⁸

MR. BROWN. — That is just the point I wish to meet. There is no doubt that every member of this house, who professes Reform principles, who professed a desire to carry out the preamble to the Rectory Bill, that church and state should be entirely disconnected, must desire to see these Rectory endowments broken up. Now with those who hold such views it must signify nothing in considering my motion, what decision the law courts are likely to give, whether their decision is likely to be favourable or unfavourable to their abolition. (Hear, hear.) If favourable we but anticipate the judicial decision. If unfavourable we exercise a power we would have the full right to put in force, the very day after the decision and in direct defiance of it. (Hear, hear.) The constitutional Act gives us entire control of this question, without any reference to the Law Courts⁹, for the provisions of that Act did not make the establishment of rectories imperative, but only permitted that to be done if it were desirable¹⁰; and it is simply throwing away money, and hanging up the question for years, to allow matters to proceed as they are doing. It is expressly stipulated in the Constitutional Act, that we should have power to alter, repeal, or vary it in any way we choose. The Home Government imagined it might be possible that the people of Canada would desire to have an established church and rectories as a part of it. But they also conceived that the people of Canada might become of a contrary mind, and they put in those clauses expressly to give us the power of abolishing all we had done. My proposition is, that we act on that power. I propose to follow exactly the course suggested by my hon. friend from Niagara in 1851. He proposed to repeal the three Rectory clauses of the Act of 1791, and this was done by the Act of 1851; but another clause was added, which I have explained, vesting the power of appointment to the Rectories, in the Church Society while the suit was pending, and in all time coming, in the event of the decision being favourable to the legality of the patents. I propose simply to repeal that clause of the act of 1851, and to take from the Church Society the power to appoint successors to the present Rectors. Should this course be taken, the result will be that the present incumbents will hold possession of the Rectories during their lives; but no successors could be appointed, and the lands would thereupon revert to the Province. Those who cry out about the sacredness of patents can say nothing against this course; because we do not touch the patents. All we do is simply to repeal the statute, which every one admits we have full power to do. The present incumbents will hold possession during their lives, and no one will be injured; while the people of Canada will have restored to them, at the deaths of the incumbents, a large and valuable property, of which they were unjustly deprived, and which rightly and properly belongs to them. But there are some who say that the Church of England has got a vested right in those Rectories, and that it would be unjust to take it from her. Now, I put it to the House whether we have not decided that point by diverting the Clergy Reserves from sectarian to the general purposes of the State? (Hear, hear.) Have we not, by the Clergy Reserve settlement, declared the principle that the reservation of those lands was a public act for a public purpose, which the people had a perfect right to change at any time. That was the principle we proceeded upon; and how much more strongly does it apply to these Rectories — as to which not only power was given us to erect them, but to alter, vary, or repeal all proceedings in regard to them at any time we choose — (hear, hear) — nay, when the existing Rectories were established under that express condition. I do not think it necessary to detain the House longer on this question. It is so familiarly understood by the people of Canada, that all that is necessary is to put the simple question — Shall we abolish the Rectories or not? And there is not a Reform member now on this floor, who has not pledged himself to that over and over again to his constituents. (Hear, hear.) There can be no mistake about that. But I appeal to hon. gentlemen on this one point: whether we do not now stand in a most absurd position, with a law-suit going on between the Government and certain parties to settle a point, about which there is no doubt on our minds, and which we have perfect authority and perfect power to settle by our own act — that we should have allowed this law-suit to go on four or five years without one stage being gained — and should be content with the prospect of its lasting for thrice that period, to judge from its past progress! I cannot see how we can for a moment justify such a state of things — and the object of my motion is to stop this squandering of the public money and free the house from the absurd position it now occupies. (Hear, hear.) Mr. Brown

concluded by moving¹¹ a resolution to repeal the law of 1851, which vested in the Church Society the power of appointing incumbents to rectories.¹²

(230)

Mr. *Brown* moved, seconded by Mr. *Fergusson*, and the Question being proposed, That with a view to the abolition of the Rectories of *Upper Canada*, and the ultimate restoration of the Rectory Lands to the People of *Upper Canada*, it is expedient to repeal the third section of the Statute 14 & 15 *Vic. cap. 175*, which is in the following words: "And be it enacted that in the event of its being judicially decided that any of such Parsonages or Rectories were erected according to law, and until a judicial decision shall be obtained on such question, the right of presenting an Incumbent or Minister to such Parsonage or Rectory shall vest in and be exercised by the Church Society of the Church of *England* Diocese within which the same shall be situated, or in such other person or persons, bodies politic or corporate, as such Church Society, by any By-Law or By-Laws to be by them from time to time passed for that purpose, shall or may think fit to direct or appoint in that behalf."

That an humble Address be presented to the Governor General, praying His Excellency (on the repeal of the said three sections of the said Statute) to cause the suit instituted on an Address of this House, of the 28th July, 1851, and still pending before the judicial tribunals of this country, to test whether the Rectories of *Upper Canada* were legally erected and endowed, may be stopped and discontinued;

MR. J. MORRISON then rose and said: — The honourable member for Lambton has referred to me as having taken action upon this bill in 1851. I did, at that time, introduce a bill much to the same object as that of the hon. member's, and finally the house did take the bill out of my hands and passed it in the shape which is now the law of this Province. Only three members in the house at that time tried to defeat the measure: they were, the hon. member for Haldimand, Mr. Hopkins, and myself. I suppose that the member for Glengary looks upon the bill now as having been a proper one. But that hon. gentleman voted very differently then. I did my utmost to press the bill, but when the presentations of these Rectories was [sic] taken from the Crown and placed in the Church Society I was of opinion that the most important part of the old law¹³ had been got rid of¹⁴, that involving the connection between Church and State which then existed, viz., whether the Crown had the right to the presentation of these Rectories in U.C. Nobody in this country, either the Bishop or any ecclesiastical body had any power to do that but the Crown, and I looked upon that as an important connection between the Church and State in this Province, and it was for that reason that I wished to abolish the Rectories. After the bill passed, as I then stated while it was under discussion, the question was settled as a matter of law, and the Government then pledged themselves that they would present an address¹⁵ to His Excellency, asking him to take legal steps to ascertain whether or not these patents were valid.¹⁶ I contended that they were not. Since that time the matter has been submitted to the Solicitor General of England, and he likewise thinks that they are not. Everything has been done to have a judgment so pronounced;¹⁷ the case has been argued in our own courts, and has been standing over for judgment for some time,¹⁸ and I anticipate that before the end of this Session a judgment of the court of Chancery will [sic] be obtained. (Hear, hear.) I think, therefore, it will be very unwise for the house to take any step in the matter while it is before the court. (Hear, hear.) Hon. members will see that it is extremely inconvenient to do so for two reasons. First of all, the hon. member for Lambton, and those who act with him upon this occasion,¹⁹ must feel that there is some difficulty in the way or he would not move in this matter at present. He must be of opinion that the patents are legal and valid²⁰, since that supposition was the only one which could make such a motion of any use.²¹ Now by the act of 1791 there is not the slightest doubt that the Crown had power to place those Rectories in the Province, through Sir John Colborne, and that if he had instructions from the King at the time to that effect, that he had the power to do so. But it has been contended that he had no such instructions, and it is upon that ground that I think they were invalid.²² The only instructions [sic] given in reference to this matter were given during the reign of George III, and from the time the instructions were given until the time the Rectories were established,²³ two Kings died, and the Regency took place, and no further instructions

were received. Under these circumstances, I think that the House would be stepping out of the way to do as proposed; and if the hon. member for Lambton considers the point as a mere constitutional one, and, independent of any other circumstance, he will not dispute that, after this House, in 1851, solemnly came to the decision, against a minority of "three," that this was a proper mode in which the matter should be tested, namely, to refer it to the Courts; surely at this period, when that decision is about to be given, it is not proper for him to introduce a bill of this nature, to repeal the Act of 1851, when its very provisions are about to be carried into effect. If the Law Courts of this Province think that the patents are invalid, the lands will revert to the Crown, and there will be an end of the whole question; and if not, the hon. member has got the same remedy afterwards that he has now. He certainly must be of opinion that the Courts will not decide in his favour, else he would not make this motion now. I think that the patents will certainly be invalid, and it is for that reason that I wish to postpone the motion; and I trust that my hon. friend will allow the matter to stand over for some time, if he will not altogether withdraw his motion. It would be improper to anticipate the adjudication of the Courts upon the subject.²⁴ The member for Toronto, (Mr. Cameron,) was not in his place, or he would be able to inform the House²⁵ that the matter stands just as I have stated. If the hon. mover will not withdraw his motion, he will oblige me to bring forward an amendment as an expedient to put the motion over until we get the decision of those Courts.²⁶

MR. MACKENZIE. — I deny that in 1851 the house decided to put this matter into the hands of the law. I voted down these Rectories in²⁷ 1835,²⁸ and there was not one single hon. member in this house but who denounced the system. In fact, we considered that the country was insulted by their appointment.²⁹ When he went to London he got a hearing in Downing Street upon this question, and one of the statements in that large despatch of Lord Goderich, was that no Institutions of that kind should have been palmed upon the people of Upper Canada, without their consent. But in defiance of that, Lord Derby and his friends forced them upon the people.³⁰ It was denounced in 1851 by "The Union Camp," and it was only men who had no intention to act along with the representatives of the great mass of the people, who then did otherwise.³¹ [He] thought it a great advantage of the law that it gave occupation to gentlemen like Mr. Morrison, who had to leave the County of Peel and take refuge in the village of Niagara, under the protection of the governor of Barbadoes.³² I say that this thing has been on its "law journey," from August 1851 to 1856, and we are told by the gentlemen who are being paid by the country for their services, that it has taken them five years to put the matter even so far as this, and then we are told, that the Judges are ready to give their opinions, and in that very Assembly of 1851, if it had not been for our French neighbours who interfered with us, nine-tenths of the members would have voted against the Rectories as a nuisance, which they wanted to get rid of. Is there any reason given by the hon. member who represents the little village of Niagara why this matter should have stood for five years on its "law-journey?" Does he not recollect perfectly well, that Mr. Hincks assured the house, that a speedy decision would be got, and the hon. member for Niagara got this job into his hands, and now he comes forward and tells us not to anticipate the decision of the Judges.³³ [Mr. Mackenzie then] referred at some length to the constitution of the court which was now trying the matter, the Chief Judge of which had a bro[t]her enjoying a haul of that fund, something like £1000, or £1500, and therefore he did not consider him a very dispassionate Judge. This House he considered a more proper tribunal to try such a case, than a court of their Judges, one of whom has a brother enjoying one of the Rectories. Neither did he think the hon. member for the village of Niagara a very good judge; that hon. gentleman was a member of the law, and the law was like a pair of scissors, they clipped everything that came between them, but did not injure themselves.³⁴ I think that the hon. member for Lambton deserves the highest credit for bringing the measure forward, (hear, hear,) and I am going to be his follower in this instance. I have been always more inclined to follow him ever since he was assailed by the government in relation to this Penitentiary business. (Order, order.) Now, does the hon. member for Niagara mean to say that the decision of the House of Assembly of Canada West was not as solemn a decision as could be. I do say, that when we have in 1851, given the law courts power to act

upon this matter, and when the Court of Chancery, such as it is, with one of its Judges interested through his brother in these patents — when they keep up this matter for half a dozen years and do nothing, and all that we are told is, “the Judges are making up their minds;” it will not bear consideration. Why, they will eat up the Rectories, and consume them rather than give the people a bit of them. When shall we have a decision in the matter which will be favourable to the country? Never, never, as long as we have got a house like this.³⁵

MR. J.S. MACDONALD referred to this question as having occupied the public attention for many years. Last year when the question came up he was unwilling to press the matter, thinking that if a reasonable time were allowed, the court would give their decision. But that decision is not yet forthcoming, and he must say that his patience was exhausted. It appeared to him that the subject was one of so very great public importance that the Court of Chancery ought to have pressed it forward to a settlement before this time.³⁶ The hon. member for Lambton, by his resolution does not seek to interfere with the rights of parties who are in possession as Incumbents, but he wishes that after their death, those lands which the hon. member for Niagara still insists were given erroneously, should revert to the people of this country.³⁷ He asked his hon. friend last year, when a similar motion was brought up, not to press his motion, because the matter was before the Court, and he was of the same opinion still. But were they³⁸ to consent to a postponement of this question because the Judges who have the management of it have failed to form a judgment upon it. It is out of all question. Why, we might do likewise in various other matters where such delay takes place. For instance we have had a matter pressed on against an hon. member of this house with all speed, because the people were excited upon it, and this question of the Rectories has been subject to quite a different course. Has that been pressed forward? Evidently not. No address has been sent to His Excellency calling for the opinions of the Judges of the Court of Chancery, which certainly should have taken place, or something [should] have been done to expedite a decision.³⁹ He thought therefore, that they could not in justice to the feelings of the people in this matter postpone the consideration of this motion⁴⁰. The time has come when the sense of this house ought to be obtained upon this matter, and if my hon. friend’s motion daes [sic] not carry, it will be evidence that there is a strong feeling in this house still, and within the bossoms [sic] of hon. members of this house, that the question should not come to an end, but they should prompt those who have the case in their hands ta [sic] bring it to a speedy conclusion.⁴¹ But even if it were settled by the courts here, it would be taken to England, where it might remain for⁴² years and years, after having crept along for five years in this country. I should feel that I was voting against justice herself if I voted against this motion.⁴³

MR. J. MORRISON said he would, therefore, move an amendment, that it is inexpedient that the House should express any opinion on the subject of the Rectories until after the decision of the Courts shall be had thereon, in accordance with an address of the House on the 28th July, 1851. The hon. gentleman said that the hon. member for Glengary was Solicitor General at that time,⁴⁴ and he was one of those gentlemen who pressed this Address, and sent the matter to the Courts to be adjudicated upon. — The delay has been caused through having to send to England to get papers necessary for the cause, and that has not taken five years. There are forty-four Rectories depending upon this suit altogether. Honourable members must recollect it was necessary, that the whole question should be approached with the greatest caution possible, as it was felt that the matter would have to be referred ultimately to the Privy Council, if there was no decision arrived at here. In July, 1851, 58 members voted for the reference, and 3 against it, and one half of the members are still in the house who voted on that occasion. But independently of that, I think that the common sense of all matters must tell us, that if it be even a case of great importance, it had better be settled by the Courts of Law first; and that if a decision be had, making these patents invalid, that that would be a much better way than coming down here to this house. I do not wish by Act of Parliament to destroy the Rectories completely, but to take from the Crown the power of the presentment to them. I thought that if placed anywhere, the

power should be placed in the church; that the Bishop, or whoever had the appointment of these clergymen, should have it in his hands, but that the government for the time being, or the Legislative Council, should have nothing to do with these appointments. If I recollect rightly, the hon. member for Lambton, at that time thought, that the proper mode to get at this question, was by a reference to the Courts of Law.⁴⁵

MR. BROWN. — No! you are mistaken.⁴⁶

MR. J. MORRISON might be mistaken in that, but surely after the question had been before the Courts so long, it would be unwise and inexpedient⁴⁷ now to disturb the settlement then come to by the house, by a vote of 58 to 3. The proper course is really to wait, and particularly as the case has been heard, and the matter is lying before the Judges at present. As much time and caution should be exercised in this question as possible, but the probability is, that if there is a decision against the Rectors, the Church will, in its discretion, desire the matter to be investigated by the Privy Council.⁴⁸ The question, as he had said, involves the rights of 44 Rectories, and the Courts require to occupy considerable time in the examination of the whole matter. Taking all the circumstances of the case into consideration, the House would see the impropriety of passing any such motion as that now before them, which had for its object to take this matter out of the hands of the Court.⁴⁹

(230)

Mr. *Joseph Curran Morrison* moved in amendment to the Question, seconded by Mr. *James Smith*, That all the words after "That" to the end of the Question be left out, and the words "it is inexpedient that this House should express any opinion on the subject of the Rectories until after the decision of the Courts shall be had thereon, in pursuance of the Address of this House of the 28th July, 1851" inserted instead thereof;

MR. J.S. MACDONALD (Glengary) said, it is true that in 1851, I did vote for the Address, but I took grounds as to the necessity of passing the question. I did not vote for or against this Bill; I could not very well, and the Administration found fault with the course that I then took.⁵⁰ Although Solicitor General at the time⁵¹, I differed from them, but I voted for the Address in order to hasten the matter. Is it because I voted then for the Address, that I am inconsistent to-day in saying, that nothing has been done under it, and ask now that the matter be concluded? It is impossible to bear with the dilatoriness displayed throughout this case.⁵² There was now a necessity to hasten on this measure, for he believed they would be no further forward next session, if they waited for the Courts to give their decision.⁵³

MR. S. SMITH (Northumberland.) — I must vote against the amendment moved by the hon. member for Niagara. I hold that these Patents are illegal. The reason given by the house when they passed the Address authorising this action to be brought, was in order to declare these Patents illegal, and therefore I can see no necessity for instituting an action in the Court of Chancery or any other Court, if the Patents have been declared illegal; and I do not see that this house is prevented declaring them to be so at once. If the rights of the present Incumbents are to be protected, (and I understand the honourable member for Lambton's motion to go so far) I am then prepared to vote for his motion. In 1851 there was an opposition to the attempt made to declare these patents legal, and as the Church could not get all the money they made up their mind to share the thing with the lawyers⁵⁴.

MR. BROWN. — They do not share. All the costs on both sides come from the Province.⁵⁵

MR. S. SMITH. — Yes. While the suit goes on, they keep all the money; of course they like delay.⁵⁶ The matter has been kept open for five years, for they were a far-seeing people who could foresee that such delay would take place. (Hear, hear.)⁵⁷ Even after that decision [is given] it may stand 25 or 50 years in England.⁵⁸ It will be another case of *Jarndyce versus Jarndyce*.⁵⁹ If what monies arose from these Rectories were given to the lawyers they would not be so soon used up, but the public purse

is to be drawn upon continually to fee lawyers on one side and the other. The idea that a lawsuit is to be brought to determine a matter upon which the house could have held very little difference of opinion, is a monstrous thing. (Hear, hear.)⁶⁰ The hon. member for Niagara says the case has been argued and is now awaiting the decision of the judges. But there was nothing to prevent its going to England, [where] it might remain ... for years, and if it was right for the Province to pay both sides of the law expenses here, he did not see but they would be called upon to pay all expenses in England as well. At all events⁶¹ it is pretty clear that if the matter goes to England for decision, that it will be rendered against the Province. (Hear, hear.) I do not think we shall get the decision from our courts of law for two years.⁶²

MR. J. MORRISON. — Yes, you will.⁶³

MR. S. SMITH. — I am prepared to vote as I did last year, to have an end of this absurdity, and that there should be no connexion between Church and State in this country.⁶⁴ If public notoriety was of any value, too, it was understood that the decision in the Court would be against Mr. Brown. The member for Toronto had got the action in such a state, that it could be decided in no other way.⁶⁵ He would therefore vote for the motion of his hon. friend the member for Lambton. It was not often he had it in his power to vote with that gentleman, but he would have great pleasure in doing so upon the present occasion.⁶⁶

MR. CAMERON said it was strange that after this house came to the conclusion of having this matter settled in the only way it could be, that we should now lay down the principle that this system should be changed. What are the grounds upon which these Rectories were always attacked? Why,⁶⁷ that they had been fraudulently, unjustly, and corruptly obtained, and on that account they ought to be destroyed. This is the ground which has been alleged, and when it came before the Court of Chancery, and every exertion had been made both here and in England to obtain all the information which could be gathered upon the subject, — and where was all the evidence upon which this loud cry of fraud had been founded? There was none — no, not a particle that could warrant it.⁶⁸ The whole thing was made to turn on verbal technicalities in the Governor's commissions and in the patents.⁶⁹ If the construction of the Patents were not valid, they should have been allowed to rest. And if not valid [sic], and they were to be set aside, it was the Courts and not this House which had to set them on one side. After all which had been said of those Rectories having been established in fraud — after the question being referred to the Courts — at the very time when the Court is about to pronounce a judgment, can it be that this is the time chosen for this House, by a mere resolution, and in the absence of the important evidence before the Courts, to destroy all that has been already done; and because, with all the evidence which has been collected, the parties making those charges of fraud cannot substantiate them — cannot establish their charge that those Rectories have been established in fraud, do they wish to effect their purpose by the present resolution. The Patents issued for those lands conferred a right in them just as much as rights in any other lands were acquired [sic] in such Patents, and if not good in one case they cannot be in another, and to disturb the one would be to disturb all others. The hon. member for Lambton says, if those Patents were issued in fraud, no rights would therefore be conferred by them. Is it because all proof has failed of those patents having been obtained in fraud that the incumbents are to be placed without the protection which the law affords them?⁷⁰ The member for Lambton proposed to leave the present incumbents in possession. He therefore admitted that there was some right conveyed by the patents; for, otherwise, these persons ought to be the first made to suffer for their wrong doings. Then, why were these different from other patents? There were grants all over the country for churches of all kinds.⁷¹ Why then are these Rectories only selected? Simply, because, in the first place it was said that they had been issued fraud[ul]ently.⁷²

No, no, from MR. BROWN.⁷³

[MR. CAMERON:] The hon. gentlemen [sic] says “no, no,” but all the speeches that had been made, all the arguments that had been brought to bear upon the subject went to show that it was sought to set them on one side, because they had been established in fraud, and not because there was a connection between Church and State⁷⁴. The ground that a connection existed between Church and State was never brought forward in the consideration at all. That ground was not taken in 1840, when the Clergy Reserve Act was passed⁷⁵, nor was it brought forward until some years after. It subsequently was decided by that House that the courts of this country should try and decide upon the question at issue, and it was then brought before the courts, and since then every scrap had been hunted up in the Colonial Office, and elsewhere [sic], that would throw any light upon the subject, and upon the examination of all those documents, will the decision be made? It has not been decided by the courts.⁷⁶ Nobody knows at present whether the Courts will decide that the patents are good or bad, and yet, while the matter is in that position, the rights of the parties are thus sought to be swept away — the suit is to be stopped.⁷⁷ Now fraud was disproved, and he could not think it proper to sweep away, by an act of that House, both the suit and the property.⁷⁸ [It was] a proceeding without a parallel and one that could not be sustained, and the House ought to reject it.⁷⁹

MR. BUREAU did not wish to oppose this Bill as it was one for Upper Canada, nor would he wish hon. members to come down and oppose any of their Lower Canadian measures — supposing there should be a measure brought forward to abolish tythes.⁸⁰ He had voted last year in favour of the motion of the hon. member for Lambton, as did several of his friends; and he was prepared to vote for his motion now, upon the same considerations that he did then.⁸¹

MR. FOLEY would vote against the amendment of the hon. member for Niagara, and in favour of the hon. member for Lambton’s motion. He thought it was high time that this motion was disposed of. It was trifling with the House to say that sufficient time had not been afforded for the legal authorities to give their decision upon it.⁸² It had been referred to the Legal Tribunals now for upwards of five years, and when we came to contrast the deliberations which have been had, and the decision arrived at upon other questions, it must be evident that something more than ordinary was the cause of the protracted decision. Let honorable members contrast the present tardy proceedings with what took place upon the consideration of the Seigniorial tenure Bill⁸³, upon which measure the Government, and many hon. members, were desirous to be expeditious in legislating⁸⁴. In ... [that] case it could at once be seen that the Court was in earnest upon the question, and that as regards the present measure the contrary was the case. In the former case they obtained the decision of the Judges in less than twelve months, and surely a decision may have been arrived at in the present case in less than five years; the argument, therefore, is untenable that a quicker decision could not have been arrived at. There was another point to which he wished to direct the attention of the House, and indeed it was a notorious fact that session after session Bills are brought into this House and are passed to enable Rectors to dispose of these lands and to appropriate the monies to their own use. And the honorable member for Lennox and Haddington [Mr. Roblin] had brought forward a motion of the kind, and while the decision of the Courts were in abeyance, these lands are being disposed of, and the objects which we have in view are thus frustrated. Lands were frittered away for private purposes, but there was still a Church and State in existence⁸⁵ —

No, no, from MR. J. MORRISON.⁸⁶

MR. FOLEY. — Well, if the proceeds of sales do not go to private purposes, they go to the purposes of the church, — as in the case of the bill now introduced by Mr. Roblin.⁸⁷ He (Mr. F.) being aware that an end should be put to this question, he would vote for the motion of the hon. member for Lambton.⁸⁸

MR. AT. GEN. J.A. MACDONALD said that [Mr. Roblin's bill] was only for allowing a Railroad to go through. The iden [sic] of frittering that property away was ridiculous.⁸⁹ [He] said the argument of delay was just as if two men had a suit about a stud of horses, and as if one said: "Well, to settle the matter, I will go and take the horses."⁹⁰ After giving an explanstion [sic] of the law under which those Rectories were allowed, [he] said that the Patents under which they were held, conferred just as sacred a right in the property as was granted by Patent to any farmer of the Province. If the Crown acted under that law, every man had a right in the lands for which he held a Patent, and if any errors had crept in the granting of those Patents, it was for the courts and not the House to interfere, for the purpose of rectifying the error. It was not advisable for that House to take up these questions, for in what position would it find itself, if in the event of some decision of the Crown in the issuing of Patents, some parties as was usual in such cases, found themselves aggrie[v]ed, and the table of that House was to be inundated with petition[s] from individuals setting forth that Patents had been granted to other parties for lands to which they hold no title. There is often a great deal of difficulty in ascertaining the facts of the case, however desirous the Government may be in doing justice when such points are at issue, and often the Crown had so decided. What interminable confusion would arise, if the tables of that house were allowed to be inundated with petitions asking the house to constitute itself a court of appeal?⁹¹ Great statesmen in England had admitted, that the worst court in the world, would be the Judiciary of the House of Commons, and this house should not sit here to try such questions as that before it now. If it was improper for that house to decide as a Court, whether the patents were legal or not, in 1851, there was the same reason for assuming to legislate upon the matter now. It took the then only course which was proper, and at once ordered the matter in dispute to be referred to competent tribunals for decision.⁹² The delay which had taken place in the rendering of the judgment of the court was very much to be regretted, but the reason of such delay had been explained by the hon. member for Niagara. If, as argued by some hon. gentlemen, the establishment of these Rectories were a fraud, then it became a question if the instructions under which Sir J. Colborne acted were founded in fraud upon this Province. Reference had to be made to the Colonial office upon this question, and what was the evidence adduced? That evidence had to be brought by the parties making these charges of fraud, as the onus of proof lies upon the parties charging fraud. It was necessary to send to England — and it should be borne in mind that such a course must necessarily cause great delay, and much time had been occupied in the preliminary enquiries which had to take place there; but subsequently every exertion had been made so as to bring the matter to a settlement. It should be borne in mind by honorable members, that if this house takes upon itself thus to distribute Patent Deeds, none can be considered safe. — Even in the difficulty which arose in Ireland in connection with the incumbrances of estates, and the great delays which arose in the courts connected with the Mortgages and the mass of incumbrance, ... it was found that it would be utterly impossible for the courts [to] wind up the business. The House of Commons did not take upon itself to decide, but they at once established a Court for the purpose of expediting the business. On a former occasion when the resolutions and address came up it was argued that this House was not the proper tribunal to try the case, and it was referred to the Courts; and yet hon. gentlemen come down here and say that the House should at once assume the power of adjudicating the matter, thus taking upon itself the jurisdiction which properly belonged to the Courts of Law. The present course taken by the hon. member for Glengary was surprising, as he had previously voted against this Bill⁹³ —

No, no, from MR. J.S. MACDONALD.⁹⁴

MR. BROWN here explained that the hon. member for Glengary had not voted against the bill, but that it was at his request that he (Mr. B.) had on a former occasion withdrawn the bill.⁹⁵

MR. AT. GEN. J.A. MACDONALD. — It was very strange that after the collection of all the evidence in England, at the very time such evidence was under the consideration of the Courts, this

House was asked to step in, and by an act of violence declared that one man's property was another's.⁹⁶ If the House were dissatisfied with the delay, let it appoint a special tribunal as the British Parliament had done in Ireland to get the number of the incumbered Estates.⁹⁷ [But] to assume the proposed power, and deprive the Rectors of their rights could not for one moment be entertained.⁹⁸ He (Mr. McD.) was firmly of the opinion that the common sense of the House would at once regret so monstrous a proposition; one which if persisted in would make the Legislature of Canada the laughing stock of this continent and of the world; and it would do more to injure our credit abroad than ten times or a thousand times the whole worth of the lands; and it should be remembered that foreigners have rights in this province, and that we have called upon British capitalists [sic] to come here with their capital, but if the House thus took upon itself to annul patents to Land, the opinion would soon gain ground that property was not safe here in a country where Parliament could make and break a right in almost the same breath, and that by a resolution of the House, irrespective of the decision of the Courts. With such views he should vote for the amendment.⁹⁹

MR. FREEMAN intended to vote for the amendment, and to oppose the hon. member for Lambton's resolution.¹⁰⁰ His reasons for so doing were very simple, perhaps too simple for the comprehension of the hon. member for Haldimand, as something more flighty might better suit his composition. He [Mr. Freeman] held that under the statute of 1791, authority was given for the establishment of Rectories in this Province.¹⁰¹ (Hear, hear.)¹⁰² He presumed that no member of the House would deny that this authority was given, and he presumed, further, that this House was not desirous of taking away from any individual or set of men, that which the Law has declared was theirs. He would say therefore, that whether these Rectories were properly established or not, was a question for a legal tribunal to determine, and not for this House, for legal tribunals were established for the purpose of taking under their care the proper construction of the laws passed by this House, and he held that it was not the prerogative of this House to make laws and then construe them to their own case. He thought the wisdom that dictated the Address to His Excellency requesting to take steps to determine the legality or illegality of those patents, was highly to be commended. It was the proper course, and inasmuch as this is left to them to determine, he felt that there was no ground¹⁰³ to suppose that the decision would not be rendered.¹⁰⁴ He thought that the reason given by the hon. member for Lambton for his course was not a sound one, for if the decision should be in favor of these Rectories they should stand, and if it be against them, then this House would have the satisfaction of knowing that they are not disturbing legal rights. He thought the hon. member for Lambton ought not to press his motion; but at the same time he was somewhat surprised that they had not heard from Government on this matter, or whether there was any prospect of a decision. From the reports of newspapers they had been made aware that the case had been recently argued, but why the case was not argued sooner the Government should be able to show. He could well understand that a great deal of documentary information was necessary before the question could be brought fully and fairly before the court so as to place it in a proper position to render a correct decision, and it is quite possible after all, that there has been no unnecessary delay. But whether there has or not, that was no reason for taking it out of their hands, and he was satisfied that no hon. member could reconcile this course with his own conscience if he voted to take this motion out of the hands of the legal tribunal at this time.¹⁰⁵

MR. MACKENZIE after referring to the time when the hon. member for South Wentworth (Mr. Freeman) was at school, and to his regret that he had not come up to the estimate which was formed of him, went into a long history of the previous action taken upon the question of the Rectories by the House of Assembly¹⁰⁶, from its first introduction in 1835, up to 1851, when it was amended, — which amendments were not yet carried out.¹⁰⁷ [He] said, that the British Government in William the Fourth's time had invited this country to repeal the Clergy Reserve Act. He referred to documents of the time to prove it.¹⁰⁸ [He] read extracts from the old Journals of the House of Upper Canada to show what members had voted, in a sense similar to that of Mr. Brown's motion, and he contended that the

opinion of those who then opposed the Rectories could not be unworthy of respect. He also read an address voted by the Upper Canada Parliament against the Rectories¹⁰⁹, [and] a report from the Journals of the House for 1836, showing that the House then was nearly unanimous in declaring that the establishment of these Rectories was a fraud perpetuated upon the people of Upper Canada. He was not surprised, however, at the remarks of the hon. and learned member for Toronto, who seemed to be ready for all kinds of jobbing¹¹⁰, and said, that there was no telling where they might find that hon. gentleman. One day he was advocating "Nunneries," the next day, "the incorporation of Loyal Orangemen," the next day he was working for the Methodists, in fact, he was the maid of all-work for the house. He accused the hon. member for Wentworth (Mr. Freeman), of great inconsistency, and advised him to cross over to the other side of the house.¹¹¹ Having voted against these Rectories twenty years ago, there he (Mr. Mackenzie) was in the same place still voting against them. The Report which the House of that day brought in was that their establishment was a disgrace to the country, and he was truly astonished to find any man sent here by a reform constituency like South Wentworth voting that they should be maintained.¹¹² As to the argument that these Rectories were the vested rights of the Church of England, he regarded it as valueless. These endowments were for the benefit of the public, and when they ceased to be for the public benefit could be resumed by the public. Were not a ... [number] of Bishoprics strip[p]ed of their endowments by the British Parliament in a single day? If so why talk of vested rights in a case like the present?¹¹³ He (Mr. Mackenzie) had ever contended that the only way to establish peace in this country, is to have all religious denominations upon the same footing. He did not think that there should be any church establishment here, but that the Church of England and the Catholic Church, the Quaker and the Presbyterian, should be upon the same footing. It might be that he was not very religious, but if so, he did not make any great pretensions about it. The hon. member then passed a high eulogium upon the course taken by Mr. Bureau on this motion. If his friends from Lower Canada, generally — he said — were governed by such principles, there would be less need for talking about representation by population, and less need for anything being said about a dissolution of the Union. (Hear, hear.) He concluded by stating that he rejoiced in this discussion. It was one of those subjects that he could go into with all his heart. It involved a great principle, one which he had ever contended for and which if decided justly would have a happy and beneficial effect upon all classes in the Province.¹¹⁴

MR. S. SMITH said ... the amendment of the hon. member did not meet the motion fairly, but attempted to get rid of it by a side wind¹¹⁵. He believed it had been held by Reformers in Upper Canada, that these Rectories were illegal, but in order that such gentlemen might have an opportunity of carrying out the principles advocated by the hon. member for Toronto (Mr. Cameron), he would move this amendment to the amendment already before the house, namely — "That all the words after 'that' in the said amendment be expunged and the following added, that is to say, 'it is expedient to abolish the right of the Church Society of the Church of England, to present incumbents or Ministers to Rectories in Upper Canada, which may become vacant by the decease of the present Incumbent, and to discontinue the suit now pending in the Court of Chancery on the subject of the said Rectories.'"¹¹⁶

(230-231)

Mr. *Sidney Smith* moved in amendment to the said proposed Amendment, seconded by Mr. *Patrick*, That the words "inexpedient that this House should express any opinion on the subject of the Rectories until after the decision of the Courts shall be had thereon, in pursuance of the Address of this House of the 28th July, 1851" be left out, and the words "expedient to abolish the right of the Church Society of the Church of *England* to present Incumbents or Ministers to Rectories in *Upper Canada*, which may become vacant by the decease of present Incumbents; and to discontinue the suit now pending in the Court of Chancery on the subject of the said Rectories" inserted instead thereof;

MR. HARTMAN was glad of this amendment, which raised the question of principle.¹¹⁷ As he understood that amendment, it proposed just what was proposed by the hon. member for Lambton,

although differently constructed. It proposed to abolish the right of the Church Society to appoint to these Rectories in the event of a vacancy, and it proposed further to set aside the suit now pending upon that question — the amendment of the hon. member for Niagara did not meet the principle of the motion fairly, it only proposed to get rid of it by a side wind. It had been argued that as this House in 1851 solemnly declared to submit this question to the Court of Chancery, that decision should not be reversed by this House until this Court had an opportunity to express an opinion. If that doctrine was to be carried out they would never find the Legislature repealing any Act whatever. They would make no progress at all, and they would find that their laws, like those of the Medes and Persians, would be unalterable, and whatever they did would be looked upon as final. He looked upon the Act of 1851 as one of the most absurd acts which ever passed a Legislature. After declaring plainly and explicitly that these patents were illegal, they proposed to refer the question to the Court of Chancery whether they were legal or not, and good or bad they propose[d] to pay both sides. If there was one reason, more forcible than another, for at once setting aside that suit, it would be found in the absurd decision that the country stands pledged to pay the costs on both sides of this suit. He never read of such a case and never heard of any such proceedings. So long as it remains in force it will be a standing disgrace to the country, and that was a sufficient reason for his voting against it. If five years have already been consumed in the progress of the case, what assurance have they that [an]other five years may not pass ere the decision is given. He was not disappointed in the result however, for he never believed that they intended to obtain any decision. That course was adopted in order to delay the question, in the hopes that public opinion which had become excited upon, would speedily subside. But in this they would be disappointed. He would, therefore, support the amendment of the hon. member for Northumberland.¹¹⁸

The clock being now within two minutes of six,¹¹⁹

MR. ROBINSON rose and said as it was generally wished that when the House adjourns now it stands adjourned till to-morrow, he would move to that effect if it was the pleasure of the House. All his friends round about him were rejoicing in the birth of the young Prince of France,¹²⁰ son to the Emperor Louis Napoleon, of which the intelligence had this day been received¹²¹, and as they were disposed to have the night to themselves, he had no objections. The young stranger had come among them at an auspicious period,¹²² and as it seemed to be the harbinger of peace in Europe, perhaps it might be so in that House. He would not move unless the House were unanimous.¹²³

These remarks were received with loud cheers and clapping of hands in some quarters of the House.¹²⁴

MR. LARWILL then said in a loud voice — I do not see why a Canadian Legislature should adjourn on the occasion of the birth of a tyrant's child.¹²⁵

Loud hisses from the quarters which had previously cheered, and cries of "divide."¹²⁶

MR. SICOTTE the SPEAKER said the hon. gentleman was certainly out of order in using such language.¹²⁷

Several hon. members rose to oppose the proposition, and as there seemed likely to be a discussion on it,¹²⁸

MR. SICOTTE the SPEAKER at six o'clock left the chair as usual for an hour and a half.¹²⁹

When the house met after the recess,¹³⁰

MR. ROBINSON said he must persist in his motion for the adjournment of this house, in honour of the birth of the French Prince. He moved that the house do now adjourn.¹³¹

[The motion was] seconded by MR. CHABOT.¹³²

MR. FOLEY hoped the motion would be postponed till a larger number of persons were present.¹³³

MR. HOLTON hoped the motion would be withdrawn until the House had voted on the Rectories question, which would not occupy the House long.¹³⁴ The inference the country would draw, would be that the motion was due to a desire on the part of the Administration to get rid of a most embarrassing question.¹³⁵

MR. ROBINSON denied that he had communicated with any one on the subject of his motion.¹³⁶

MR. HOLTON said the alacrity with which the proposition had been seized hold of by the Administration, warranted the inference he had suggested. If there was to be adjournment, let it be on the Proclamation of Peace, news of which he hoped would be brought by the next steamer. (Hear, hear.)¹³⁷

MR. CHABOT. — On ne s'étonnera pas, M. l'Orateur, que je me déclare en faveur de la motion, en ma double qualité de Canadien-français et de représentant d'une province pour laquelle la France vient de témoigner tant de sympathie. Comme faisant partie de l'empire britannique, le Canada doit, en outre, se réjouir du bonheur d'un souverain qui a su accomplir cette tâche difficile, le rapprochement de la France et de l'Angleterre. (Approbation.)¹³⁸

MR. J. DORION (Drummond) said that when he left his home to come here, he had not come to consent to adjournments day after day — especially on account of the population of France having been augmented by one soul.¹³⁹ [He] felt inclined to be economical of the country's expenses, and would oppose the motion.¹⁴⁰

MR. S. SMITH (Northumberland) hoped the motion would be withdrawn. He was strongly in favour of it, but it should not be carried with a single dissenting voice. He considered the event one of great importance, and he would have liked that the motion had been carried unanimously. France had been fighting the battles of the world, and he was sorry to see a French Canadian gentleman opposing such a motion. He (Mr. Smith) would not only be willing to consent to an adjournment, but would like that this house should send to the French Emperor an Address of congratulation on the event.¹⁴¹

MR. BROWN. — I must say I cannot at all sympathize with the hon. gentleman who has just spoken. If the deeds of the French nation, to which the hon. gentleman has alluded, were brought distinctly before the house — if this motion was a tribute to the noble French people, to the heroism of the French army, to the bravery of the French navy, or to any other thing of which the great people of France have truly cause to be proud, I am sure, sir, this house would adopt it by acclamation. (Hear, hear.) But when we are asked for a manifestation of joy because a dynasty of despotism is likely to be continued, (hear, hear,) — a dynasty which the noblest part of France earnestly desire to see overturned. (No, no, and hear, hear.) I do think it would be treason to our high position as a free Legislature, to give our sanction to it for a moment.¹⁴²

Cheers from the Opposition.¹⁴³

[MR. BROWN continued:] If we are to take a position among the nations of the world — if we are to express our opinion on great events passing in Europe, I do hope sir, that we shall always be found giving our testimony in favour of liberty. (Hear, hear.) It may be true, and I am not prepared to deny

it, that Louis Napoleon may be the man fitted for the times, and that this is not the moment when we should condemn the acts by which he acquired his position, and the crushing appliances by which he maintains it — but it is one thing to refrain from pronouncing condemnation, and another to send across the Atlantic an Address like this, which if it means anything, can only be regarded as an expression of our admiration of the Napoleonic dynasty, and our joy at its perpetuation. (Hear, hear.) I ask every hon. gentleman who hears me, whether, living as we do under a free Representative Government, and knowing all its unspeakable advantages — if he can contemplate without pain and indignation, the idea of the permanent continuance of such a system of government as the people of France now groan under.¹⁴⁴

MR. AT. GEN. DRUMMOND. — What have we [to] do with their constitution?¹⁴⁵

MR. BROWN. — And what have we to do with the birth of a French Prince, except that it gives permanence to the dynasty of Napoleon? And how will that affect favourably the liberties of Europe? (Hear, hear.) What has that to do with the war? What has that to do with stopping the aggression of Russia? Nothing whatever. — If the hon. gentleman (Mr. Robinson), will propose an Address, thanking the French people and Louis Napoleon for what they have done, as the ally of Great Britain, I will go with them heart and hand. But I am not prepared to go out of our way to send an Address approving by implication if not directly of the existing French *regime*, of which no true friend of liberty can honestly express approval.¹⁴⁶ (Murmures et applaudissements).¹⁴⁷ I cannot but think, sir, that sitting as we do, one of the very few legislatures in the world enjoying a thoroughly popular constitution, enjoying as we do, the high benefits of Representative Government, it would be a most lamentable circumstance if we could so far forget the responsibility of our position, and to send to Europe a deliberate approval of such a state of things as now obtains in France. (Hear, hear.) I hope the motion will not prevail.¹⁴⁸

MR. AT. GEN. DRUMMOND. — My hon. friend from Lambton has a happy way of communicating to every subject that is discussed in this house his own peculiar views. But, while he may freely express his views as to the constitution we ought to have in Canada, or the constitution there ought to be in England, I submit that it is not for us to dictate to the French people what sort of constitution they should have. We should not discuss their constitution. But there is one thing we ought to know, one thing for which we ought to be grateful, one thing for which we ought to give credit to Louis Napoleon, for the security about to be re-established in Europe, the peace about to be re-established throughout the world, for the noble part he has performed during the war.¹⁴⁹

MR. BROWN. — Hear, hear.¹⁵⁰

MR. AT. GEN. DRUMMOND. — We should be grateful to the French Emperor as the man, on whose courage and firmness the British nation have rested, as their sheet anchor of safety and hope during this long and serious and anxious struggle. (Oh! oh!) Perhaps for my part I should not have moved in this, but now that we have moved in it, let us not be deterred by the opposition of a few, from doing honour to an event which has brought happiness and joy to the heart of that man, who has been the hope, even of the British nation — that man, whose firmness, whose well-known energy, whose courage gave hope and life to the people of England, when they had strong doubts as to the capacity of their own Government to carry out those objects which they had sincerely in view, but which the peculiar form of their government did not enable them to carry out with that energy and vigour which Louis Napoleon could throw into the conduct of affairs. During the whole of this struggle the English people have looked to Louis Napoleon as the man who would not abandon the struggle, but was determined to carry it to a successful issue. And though I believe the Government of England were misunderstood from the beginning in this matter — though I believe they were sincere and earnest in all they had undertaken — yet a large portion of the people of England lost hope in their own Government, but

when they did so, they still retained confidence in the firmness and energy of Louis Napoleon. — And now an event has occurred which must bring gladness to his heart, and to the hearts, we must suppose, of a majority of the French nation, because the French nation has sustained him, and sustained his rule — an event, too, which has been celebrated, as we learn by the telegraphic despatches, through all the important cities of England. I should not have moved this motion, because there is always a tendency to charge the Government with a desire to delay the public business but when it comes, as it does, from an independent member of this house, I should be sorry not to support it. And I think it the more incumbent on us to support it, after the opposition given to it by the hon. member for Lambton, who dictates to everybody in this country, and now takes it upon himself to dictate to the French Emperor and the French people what constitution they should have.¹⁵¹

MR. CAMERON. — There is only one thing which I am disposed to regret in the observations of the Attorney-General East — and that is, that while he alluded to the Emperor Napoleon in the manner he did, he should have alluded, also, to our own Government, as if the English people had found wanting among themselves that capacity and management which they had to seek for in Louis Napoleon.¹⁵²

MR. AT. GEN. DRUMMOND. — The hon. gentleman has mistaken me. I was speaking of the feeling of a minority of the English nation, who had lost confidence in the Government. I stated distinctly that the Government had, from the beginning to the end of the war, behaved as they ought to behave; but I said that, when a minority of the people of England lost faith in their own Government, they still placed confidence in Louis Napoleon. I never, from the beginning, had the slightest doubt of the sincerity of the British Government; but I have seen, with pain, a minority of the British nation entertaining that doubt, — but even that minority had still a strong faith in the Emperor.¹⁵³

MR. CAMERON. — I did not intend, in the slightest degree, to misinterpret what the Attorney-General had said; but certainly the word “minority” failed to catch my ear in the course of his former remarks. I am prepared to pay the compliment now proposed, without the slightest hesitation — not merely because Napoleon was our ally in the war, but because, also, a large number of the gentlemen sitting in this House are descendants of France, and are entitled to have their feelings consulted, even although we are a British colony. But, although I am prepared to stand up and applaud Napoleon’s conduct in this war, and his efforts on behalf of the liberties of Europe, I am not prepared to admit that there was a want of capacity or of conduct on the part of our own Government. I would not have made the observation I did, however, if I had known that the Attorney-General used the word “minority.” But, as I said, that failed to reach my ear, or the ears of hon. members around me; and I am glad that the observation made called forth from the Attorney-General the explanation it did. I think the hon. member for Lambton mistaken in opposing this motion; for I do not consider that, in adopting it, we endorse the dynasty of Louis Napoleon, or the whole course of his proceedings. But, while he is in alliance with England — while we are together fighting a battle for the liberties of the world — I think we would not act amiss in following the example of the towns and cities of England, whose congratulations have added to the domestic felicity of the illustrious parties holding the highest position in France.¹⁵⁴

MR. COM. CR. LANDS CAUCHON would vote for the adjournment; and thought it a most extraordinary thing to see the hon. member for Lambton, who stood alone in that house — seeking to choose a government for 36,000,000 of people.¹⁵⁵ The people of France had chosen Napoleon, and had given him eight millions of votes.¹⁵⁶

MR. BROWN. — He got them as a Republican.¹⁵⁷

MR. COM. CR. LANDS CAUCHON. — Mais il y eut une seconde élection où il ne fut nullement question du principe républicain, où chacun avait les yeux ouverts sur l’empire et où Napoléon

obtint pourtant un triomphe plus complet.¹⁵⁸ That Napoleon was the representative of France, whether a bad ruler or a good ruler, and they should respect him accordingly.¹⁵⁹

MR. POWELL deprecated any discussion on such a subject, as it destroyed the spontaneity [sic] with which the honor should have been given.¹⁶⁰ He was prepared to have given a silent vote, but he wished to point out the absurdity of hon. gentlemen discussing and discussing the adjournment, so that even if it were carried in the end, hon. gentlemen would be deprived of the jollification they desired. He believed the reason of the opposition to the motion by the member for Lambton was due to the paragraph in the extra, stating that Pope Pius was to be the god-father of the Prince. (Laughter.)¹⁶¹ He did not see why they should go into any lengthy discussion; and would suggest that after himself, no hon. gentleman should discuss the subject. (Laughter.)¹⁶²

MR. FOLEY considered it would be an inconvenient precedent to set, and if it became necessary to adjourn at every birth of a Prince in the family of an Ally, it would be a heavy tax on [sic] the time of the house. By and by there might be an adjournment on account of the birth of a Sardinian Prince, and there was no calculating how many Princes there might be in the family of another of our Allies,¹⁶³ who by the laws of his country was entitled to 120 wives, (loud laughter) — which would in all probability prove a serious barrier to effective legislation.¹⁶⁴

MR. MACKENZIE rose ... [and] was met with a storm of cries of "question, question;" "order, order;" "chair, chair;" "divide."¹⁶⁵ [He] characterized the French Emperor as a tyrant, and stated that he¹⁶⁶ would oppose the motion, if, as he believed, it was one to bolster up the present Government of France. The hon. gentleman spoke at much length¹⁶⁷ amidst great noise and confusion..., denouncing the policy and acts by which Louis Napoleon had raised himself to the French throne.¹⁶⁸

MR. AT. GEN. DRUMMOND rose hastily — his face pale with anger — and when silence was somewhat restored, he inquired of the Speaker whether the member for Haldimand¹⁶⁹, who has spent his whole life in abusing the best people of this country,¹⁷⁰ should be allowed to stand up in the House and abuse crowned heads, especially the ally of England. (Cries of hear, hear!)¹⁷¹

MR. SICOTTE the SPEAKER said the Attorney General was himself out of order in interrupting the hon. member.¹⁷² [He] ruled that, although the member for Haldimand had spoken very intemperately, he was not out of order.¹⁷³

MR. AT. GEN. DRUMMOND remarked that if abuse of an ally of England was not against the rules of this house, it was against the rules of decency¹⁷⁴, [and he] thought that common decency ought to induce the member for Haldimand to hold his tongue. (Great laughter.)¹⁷⁵

MR. SICOTTE the SPEAKER said that when a question of this sort was before the house, any member was allowed to discuss the policy of public men, whether allies of our own Government or not.¹⁷⁶

MR. MACKENZIE then proceeded for some time longer with his remarks, amidst rapping of desks and singing of French songs by a portion of the members.¹⁷⁷

MR. SICOTTE the SPEAKER suggested to the house whether the discussion of this motion should not be conducted with more than usual decorum, instead of less.¹⁷⁸

MR. AT. GEN. DRUMMOND besought the member for Haldimand to withdraw his opposition¹⁷⁹; at the same time threatening him that, remarked as he already was for his factious opposition, he would be still more so if he persisted in calling for a division.¹⁸⁰

MR. MACKENZIE ... [insisted to] have a division on the subject.¹⁸¹

MR. LORANGER [spoke] in French¹⁸². — On a beaucoup trop parlé ce soir du gouvernement impérial, qu'il ne nous est donné ni d'appuyer ni de renverser. Au moment suprême, lorsque l'Europe était en feu, l'empire britannique s'est senti heureux d'avoir pour allié Napoléon III. Sans doute l'alliance était entre la France et l'Angleterre; mais osera-t-on prétendre que l'individualité de l'Empereur n'a pas joué dans ce grand événement historique le premier rôle? Puisque donc on s'est estimé heureux d'accepter sa coopération, y a-t-il bonne grâce, aujourd'hui que le service est rendu, à venir passer en revue les actes de son gouvernement à l'intérieur. C'est avant d'accepter la main de l'Empereur, que les Anglais auraient pu se montrer chatouilleux. À présent, l'alliance est scellée par des services mutuels et nous devons en accepter toutes les conséquences. Je crois que nous n'avons plus qu'à voter.¹⁸³

The House then divided on the motion for adjournment, which was carried¹⁸⁴.

(231)

The Honorable Mr. *Robinson* moved, seconded by the Honorable Mr. *Chabot*, and the Question being put, That this House do now adjourn; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Bell, Bellingham, Biggar, Bourassa, Bowes, Brodeur, Bureau, Burton, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Church, Clarke, Conger, Cook, Crawford, Crysler, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Felton, Fergusson, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Labelle, Laberge, Laporte, LeBoutillier, Lemieux, Loranger, Lumsden, Lyon, Macbeth, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, McCann, Marchildon, Masson, Matheson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Murney, Niles, Polette, Poulin, Pouliot, Powell, Price, Robinson, Roblin, Solicitor General Ross, Shaw, Solicitor General Smith, Sidney Smith, Somerville, Southwick, Spence, Stevenson, Taché, Terrill, Thibaudeau, Turcotte, Whitney, and Young.* — (79.)

NAYS.

Messieurs *Aikins, Brown, Christie, Charles Daoust, Darche, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Ferrie, Frazer, Freeman, Gould, Hartman, Holton, Jackson, Jobin, Mackenzie, Papin, Prévost, Sanborn, and Scatcherd.* — (21.)

So it was resolved in the Affirmative.

This result was received with much applause by the members¹⁸⁵.

(231)

And the House adjourned accordingly.¹⁸⁶

Footnotes

1. *Globe*, 3 April 1856.
2. *Toronto Daily Leader*, 3 April 1856.
3. *Globe*, 3 April 1856.
4. *Toronto Daily Leader*, 3 April 1856.
5. *Globe*, 3 April 1856.
6. *Ibid.*
7. *Ibid.*
8. *Ibid.*
9. *Ibid.*

10. *Montreal Gazette*, 4 April 1856.
11. *Globe*, 3 April 1856.
12. *Toronto Daily Leader*, 3 April 1856.
13. *Globe*, 3 April 1856.
14. *Toronto Daily Leader*, 3 April 1856.
15. *Globe*, 3 April 1856.
16. *Toronto Daily Leader*, 3 April 1856.
17. *Globe*, 3 April 1856.
18. *Toronto Daily Leader*, 3 April 1856.
19. *Globe*, 3 April 1856.
20. *Toronto Daily Leader*, 3 April 1856.
21. *Montreal Gazette*, 4 April 1856.
22. *Globe*, 3 April 1856.
23. *Toronto Daily Leader*, 3 April 1856.
24. *Globe*, 3 April 1856.
25. *Toronto Daily Leader*, 3 April 1856.
26. *Globe*, 3 April 1856.
27. *Ibid.*
28. *Toronto Daily Leader*, 3 April 1856.
29. *Globe*, 3 April 1856.
30. *Toronto Daily Leader*, 3 April 1856.
31. *Globe*, 3 April 1856.
32. *Montreal Gazette*, 4 April 1856.
33. *Globe*, 3 April 1856.
34. *Toronto Daily Leader*, 3 April 1856.
35. *Globe*, 3 April 1856.
36. *Toronto Daily Leader*, 3 April 1856.
37. *Globe*, 3 April 1856.
38. *Toronto Daily Leader*, 3 April 1856.
39. *Globe*, 3 April 1856.
40. *Toronto Daily Leader*, 3 April 1856.
41. *Globe*, 3 April 1856.
42. *Toronto Daily Leader*, 3 April 1856.
43. *Globe*, 3 April 1856.
44. *Hamilton Spectator Semi-Weekly*, 5 April 1856.
45. *Globe*, 3 April 1856.
46. *Ibid.*
47. *Toronto Daily Leader*, 3 April 1856.
48. *Globe*, 3 April 1856.
49. *Toronto Daily Leader*, 3 April 1856.
50. *Globe*, 3 April 1856.
51. *Toronto Daily Leader*, 3 April 1856.
52. *Globe*, 3 April 1856.
53. *Toronto Daily Leader*, 3 April 1856.
54. *Globe*, 3 April 1856.
55. *Montreal Gazette*, 4 April 1856.
56. *Ibid.*
57. *Globe*, 3 April 1856.
58. *Toronto Daily Leader*, 3 April 1856.
59. *Montreal Gazette*, 4 April 1856.
60. *Globe*, 3 April 1856.
61. *Toronto Daily Leader*, 3 April 1856.
62. *Globe*, 3 April 1856.
63. *Ibid.*
64. *Ibid.*
65. *Montreal Gazette*, 4 April 1856.

66. *Toronto Daily Leader*, 3 April 1856.
67. *Globe*, 3 April 1856.
68. *Toronto Daily Leader*, 3 April 1856.
69. *Montreal Gazette*, 4 April 1856.
70. *Toronto Daily Leader*, 3 April 1856.
71. *Montreal Gazette*, 4 April 1856.
72. *Toronto Daily Leader*, 3 April 1856.
73. *Ibid.*
74. *Ibid.*
75. *Globe*, 3 April 1856.
76. *Toronto Daily Leader*, 3 April 1856.
77. *Globe*, 3 April 1856.
78. *Montreal Gazette*, 4 April 1856.
79. *Toronto Daily Leader*, 3 April 1856.
80. *Ibid.*
81. *Globe*, 3 April 1856.
82. *Ibid.*
83. *Toronto Daily Leader*, 3 April 1856.
84. *Globe*, 3 April 1856.
85. *Toronto Daily Leader*, 3 April 1856.
86. *Ibid.*
87. *Montreal Gazette*, 4 April 1856.
88. *Toronto Daily Leader*, 3 April 1856.
89. *Globe*, 3 April 1856.
90. *Montreal Gazette*, 4 April 1856.
91. *Toronto Daily Leader*, 3 April 1856.
92. *Globe*, 3 April 1856.
93. *Toronto Daily Leader*, 3 April 1856.
94. *Ibid.*
95. *Ibid.*
96. *Ibid.*
97. *Montreal Gazette*, 4 April 1856.
98. *Globe*, 3 April 1856.
99. *Toronto Daily Leader*, 3 April 1856.
100. *Globe*, 3 April 1856.
101. *Toronto Daily Leader*, 3 April 1856.
102. *Globe*, 3 April 1856.
103. *Toronto Daily Leader*, 3 April 1856.
104. *Globe*, 3 April 1856.
105. *Toronto Daily Leader*, 3 April 1856.
106. *Ibid.*
107. *Ibid.*
108. *Globe*, 3 April 1856.
109. *Montreal Gazette*, 4 April 1856.
110. *Toronto Daily Leader*, 3 April 1856.
111. *Globe*, 3 April 1856.
112. *Toronto Daily Leader*, 3 April 1856.
113. *Montreal Gazette*, 4 April 1856.
114. *Toronto Daily Leader*, 3 April 1856.
115. *Hamilton Spectator Semi-Weekly*, 5 April 1856.
116. *Globe*, 3 April 1856.
117. *Montreal Gazette*, 4 April 1856.
118. *Toronto Daily Leader*, 3 April 1856.
119. *Globe*, 3 April 1856.
120. *Toronto Daily Leader*, 3 April 1856.
121. *Globe*, 3 April 1856.

122. *Toronto Daily Leader*, 3 April 1856.
123. *Montreal Gazette*, 4 April 1856. In a short summary of this debate, *Mackenzie's Weekly Message*, 11 April 1856, asserts that Mr. Robinson "characterized Bonaparte as the most wise, most valiant, most catholic, and most faithful ally of Britain." No other newspaper reports this information.
124. *Montreal Gazette*, 4 April 1856.
125. *Montreal Gazette*, 4 April 1856. *Mackenzie's Weekly Message*, 11 April 1856, reports a synopsis of debate from "the Toronto correspondent of the *Middlesex Prototype*", in which it is stated that Mr. Larwill "bounced up in a great rage, his face flushed with passion, and screamed out that he did not understand why the House should adjourn its business, in order to rejoice at the birth of 'a tyrant's child.' This was received with a storm of hisses. The confusion was very great in the House".
126. *Montreal Gazette*, 4 April 1856.
127. *Toronto Daily Leader*, 3 April 1856.
128. *Globe*, 3 April 1856.
129. *Ibid.*
130. *Ibid.*
131. *Ibid.*
132. *Ibid.*
133. *Ibid.*
134. *Toronto Daily Leader*, 3 April 1856.
135. *Globe*, 3 April 1856.
136. *Ibid.*
137. *Ibid.*
138. *La Minerve*, 19 April 1856.
139. *Globe*, 3 April 1856.
140. *Toronto Daily Leader*, 3 April 1856.
141. *Globe*, 3 April 1856.
142. *Ibid.*
143. *Ibid.*
144. *Ibid.*
145. *Ibid.*
146. *Ibid.*
147. *La Minerve*, 19 April 1856.
148. *Globe*, 3 April 1856. *Mackenzie's Weekly Message*, 11 April 1856, reports that after Mr. Brown spoke, "the excitement ... became general."
149. *Globe*, 3 April 1856.
150. *Ibid.*
151. *Ibid.*
152. *Ibid.*
153. *Ibid.*
154. *Ibid.*
155. *Toronto Daily Leader*, 3 April 1856.
156. *Globe*, 3 April 1856.
157. *Ibid.*
158. *La Minerve*, 19 April 1856.
159. *Globe*, 3 April 1856.
160. *Toronto Daily Leader*, 3 April 1856.
161. *Globe*, 3 April 1856.
162. *Toronto Daily Leader*, 3 April 1856.
163. *Globe*, 3 April 1856.
164. *Toronto Daily Leader*, 3 April 1856.
165. *Mackenzie's Weekly Message*, 11 April 1856. This newspaper also reports that Mr. Mackenzie "preparatory to speaking carefully took off his spectacles and laid them out of harm's way."
166. *Toronto Daily Leader*, 3 April 1856.
167. *Ibid.*
168. *Globe*, 3 April 1856. *Mackenzie's Weekly Message*, 11 April 1856, reports that Mr. Mackenzie "would not be put down..., and through the lulls in the confusion that reigned, he poured forth the direst denunciation on the devoted head of the

French Emperor and his dynasty. Nothing could now be heard but the shouting of the members, hissing, groans, the rattling of desks, and the shuffling of feet. Still Mackenzie would not sit down." *Telegraph (Montreal Gazette, 3 April 1856)*, reports that he "opposed the motion, attacking the Emperor bitterly, as false to the cause of liberty in France."

169. *Mackenzie's Weekly Message, 11 April 1856.*
170. *Globe, 3 April 1856.*
171. *Mackenzie's Weekly Message, 11 April 1856.*
172. *Globe, 3 April 1856.*
173. *Mackenzie's Weekly Message, 11 April 1856.*
174. *Globe, 3 April 1856.*
175. *Mackenzie's Weekly Message, 11 April 1856.*
176. *Globe, 3 April 1856.*
177. *Globe, 3 April 1856. Western Planet, 10 April 1856*, in a commentary, reports that "the last part of the speech of Mr. McKenzie ... [was] interrupted by the most hideous possible noises, chiefly from the French Canadian members." *Toronto Daily Leader, 3 April 1856*, also reports that Mr. Mackenzie "was frequently interrupted by the most marked expressions of disapproval." *La Minerve, 19 April 1856*, summarizes the gentleman's speech in the following manner: "Mister Speaker,..... absurde.... tyran.... infamie.... (mais la tempête de grognements et de sif[f]lets devient si bruyante que la voix du député de Haldimand est entièrement couverte et, battu mais non content, il s'assied.)"
178. *Globe, 3 April 1856.*
179. *Toronto Daily Leader, 3 April 1856.*
180. *Mackenzie's Weekly Message, 11 April 1856.*
181. *Toronto Daily Leader, 3 April 1856.*
182. *Globe, 3 April 1856.*
183. *La Minerve, 19 April 1856.*
184. *Toronto Daily Leader, 3 April 1856.*
185. *Toronto Daily Leader, 3 April 1856.* This newspaper also reports that the members "then gave three cheers in honor of the event, and sung the Marseilla[i]se Hymn." Most newspapers, however, report that the singing commenced *after* the House had adjourned.
186. *Toronto Daily Leader, 3 April 1856*, reports that the House adjourned "at half-past eight", whereas *Globe, 3 April 1856*, reports it adjourned "at a quarter from nine".

Globe, 3 April 1856, reports a commentary on the adjournment debate with a lengthy description of the scene that occurred after the House had adjourned. It states: "The proceedings at the close of the sitting of the House last night, were of a character not at all calculated to deepen the respect of the public for our Legislature. The disorderly interruptions by which it was attempted to silence Mr. Mackenzie, savoured more of the license of a barroom, than of the decorum with which the deliberations of a Legislative body should be conducted. And the Speaker had scarcely left the chair, when the Chamber was made the arena, on which to enact a scene of uproariousness, more appropriate, although even there out of place, for the regions below. The Provincial Secretary, Hon. Mr. Cartier, commenced the row, by giving out the first line of '*Partant pour La Syrie*,' in which he was immediately joined by a chorus of 40 or 50 throats, — a large number of the members crowding round him in the centre of the hall. The hon. gentlemen were so well pleased with their own performance, that they shouted out, 'Encore! Encore!' and to vary the entertainment, the cry was responded to with another French song, which was lustily chorussed. 'God save the Queen!' was next sung, but we cannot help thinking that, in the circumstances, this time-honoured manifestation of loyalty would have been more honoured in the omission than in the observance. A song was next demanded from the Postmaster General! but the hon. gentleman begged to be excused. It would have ... made the thing complete had Mr. Spence been induced to favour the company with a few staves of the old song he knows so well: 'Wheel about, and turn about, and jump Jim Crow.' But seriously, however amusing the whole scene might have been to the actors in it, we think that had they remembered that the galleries were crowded all this while with gaping crowds, looking down in utter astonishment on the startling scene below, they would have acted differently. The spectators could scarcely fail to carry away grave doubts as to the sanity of many of the hon. gentlemen entrusted with the legislation of the country." *Western Planet, 10 April 1856*, also reports that the singing occurred with "the galleries looking on in admiration at this specimen of 'high jinks,' in a Chamber so lately supposed to be the scene of the deliberations of the collective wisdom. Those who passed by the Parliament building an hour or so later must have been astonished at the noises which issued from the basement story, and certainly a stranger would have thought the seat of the people's sovereignty a gigantic pot-house, rather than any more dignified edifice."

Le Pays, 12 April 1856, in a commentary deprecating both the motion for adjournment and the scene that followed, reports the following information: "Je dois dire que tous ceux qui ont voté pour cette proposition ne doivent pas être mis dans la même catégorie. Bien au contraire, beaucoup ont voté en silence et se sont retirés en la manière ordinaire. Mais

un groupe s'est formé près de la table du greffier, et voici comment ces messieurs ont donné cours à la joie qui les exaltait. M. Cartier a chanté: *Partant pour la Syrie*, le jeune et beau Danois. M. Turcotte a chanté: *La Parisienne*. Quand on est venu à *God save the Queen*, il a fallu avoir recours à l'huissier de la Verge Noire, Maitre Kimber, qui a entonné le *God save the Queen* comme un vrai chantre de paroisse. Après cette scène que vous qualifierez comme vous voudrez, on a crié trois fois 'Hip, Hip, Hourrah!' Et on s'est ajourné je ne sais où. Tout cela au nom du peuple." *Morning Chronicle*, 17 April 1856, however, disagrees with the other newspapers and reports the following comment: "What followed was far from being disgraceful, as has been represented. The House had been adjourned before Mr. Cartier struck up '*Partant pour la Syrie*,' and what was more natural than that the French members should give way to their enthusiasm as they did. The English members, not wishing to be considered less enthusiastic, sung with a will the National Anthem of 'God Save the Queen.' No doubt it was very annoying to the Rouges and their Allies, but the spirit of the two races was up, and it found vent in the national airs of France and England. Who will say that there was any want of decorum in such a display of feeling, even in the halls of the Legislature after it had closed its sitting?"

THURSDAY, 3 APRIL 1856

(231)

THE following Petitions were severally brought up, and laid on the table: —

By Mr. *Masson*, — The Petition of *Orton Pease* and others, Trustees, and others, of the Village of *Coteau Landing*, Parish of *St. Zotique*, County of *Soulanges*.

By Mr. *Larwill*, — The Petition of *James A. Rolls* and others, of the Village of *Morpeth*, County of *Kent*.

(232)

By the Honorable Mr. *Merritt*, — The Petition of *Jacob Misener* and others; and the Petition of *Samuel Holmes* and others, of the County of *Lincoln* and *Welland*.

By Mr. *Frazer*, — The Petition of *James G. Sutherland* and others, of the Counties of *Lincoln* and *Welland*, and *Haldimand*; the Petition of *John Thompson* and others, of the Counties of *Lincoln* and *Welland*; the Petition of *William Campbell* and others, of the Counties of *Lincoln* and *Welland*, and *Haldimand*; the Petition of *George McMicking* and others, of the Counties of *Lincoln* and *Welland*, and *Haldimand*; the Petition of *George Keffer* and others, of the Village of *Thorold*; and the Petition of the *Font Hill Library Association* and *Mechanics' Institute*.

By Mr. *Conger*, — The Petition of Mrs. *Ann Brotherston*, and others, of the Township of *Otonabee*.

By Mr. *Aikins*, — The Petition of the Reverend *James Pringle* and others, of the County of *Brampton*.

By Mr. *Meagher*, — The Petition of the Municipal Council of *Bonaventure*.

By Mr. *Foley*, — The Petition of the Municipality of the Village of *Preston*.

By Mr. *Hartman*, — The Petition of the Temperance Convention and Prohibitory Law League.

By the Honorable Mr. Attorney General *Macdonald*, — The Petition of the Mayor, Aldermen, and Commonalty of the City of *Kingston*; the Petition of the Widows and Orphans' Friend Association of *Kingston*; the Petition of *Charles James Irwin Grant*, of the City of *Kingston*; and the Petition of *Thomas A. Corbett* and others, of the City of *Kingston*.

By Mr. *DeWitt*, — The Petition of *Vital Baillargeon* and others, of *St. Jean Chrysostome*, County of *Chateauguay*.

Pursuant to the Order of the day, the following Petitions were read: —

Of *James Copping* and others, of *Rawdon*; of *George Rodgers* and others, of the Parish of *St. Martin*; of *R. Harrower* and others, of *William Henry*; of *J. Porter* and others, of the City of *Ottawa*; of *James G. Johnson* and others, of the Parish of *Ste. Thérèse de Blainville*; of *William Holmes* and others, of the City of *Montreal*; and of *William Robertson* and others, of *New Liverpool*; praying that the Bill now before the House to prohibit the sale and manufacture of ale and spirits, may not become Law.

Of the Municipality of the Parish of *St. Polycarpe*, County of *Soulanges*; praying that the Municipal and Road Act of 1855 may be repealed, and the Municipal Act of 1847 substituted instead thereof.

Of *Alexander Perry* and others, of the Parish of *St. Zotique*, County of *Soulanges*; praying to be indemnified for damage done to their wharves caused by the construction of a Dam at the head of the *Beauharnois* Canal, by order of the Board of Works.

Of the Reverend *Joseph Duquet* and others, of the Parish of *Ste. Thérèse de Blainville*; praying that the said Parish may be detached from the County of *Terrebonne* and annexed to the County of *Laval*.

Of *Jonathan Noble*, residing at *LaFourche* on the *Kempt* Road; praying for arrears due him as a Resident on the said Road from the year 1840 to 1846.

Of the Reverend *G.S. Marceau* and others, of the Parishes of *St. Simon* and *St. Fabien*; praying for a grant to build a wharf, and also for aid to open out Roads.

Of the *Canadian Institute of St. Hyacinthe*; praying for aid.

Of the School Commissioners of the Municipality of *Lessard*, Parish of *Ste. Luce*; praying aid for the construction of a School-house in the said Municipality.

Of *Malcolm Fraser*, residing on the *Kempt Road*; praying for an annual grant for keeping a post on the said Road.

(233)

Of the President and Directors of the *Brockville and Ottawa Railway Company*; praying for a grant of a portion of the waste lands of the Crown, and also, that the Bonds issued for the construction of the said Road may be at par with Provincial Bonds.

Of *Jesse Delong* and others, of the Township of *Blenheim*; of the Reverend *T.N. Jersey* and others; of *Robert March* and others, of *Dunwich* and *Southwold*, County of *Elgin*; of *John Bell* and others, of the Township of *Smith*; of *Z. Goff* and others, of *Leeds*, County of *Megantic*; of Mrs. *Martha Church* and others, Daughters of Temperance, of the Township of *Hull*; of *Thomas O'Rourke* and others, of the Town of *Guelph*; of *G. Richardson* and others, of the Township of *Howard*; of *Robert Roger* and others, of the western part of the Township of *Fullarton*; of *John J. Harrison* and others, of the City of *London*; and of *William Rowland* and others, of the City of *London*; praying for the passing of a Prohibitory Liquor Law.

Of the Town Council of the Town of *Chatham*; praying for the passing of an Act to authorize them to dispose of a lot of land in the said Town, acquired for the purpose of a Public Cemetery, and to purchase a more suitable lot with the proceeds thereof.

Of the Town Council of the Town of *Guelph*; praying that no Act of Incorporation may be granted for a line of Railway from the Village of *Galt* to *Berlin*.

Of the Very Reverend *A. Mailloux*, v.g., and others, of the County of *Bellechasse*; praying aid for a Female Academy in the Parish of *St. Gervais*.

Of *John Murphy* and others, of the Parish of *Tingwick*; praying for an Address to Her Majesty, soliciting the recall from banishment of *William Smith O'Brien*.

Of the Municipality of the Township of *Dunham*, County of *Missisquoi*; and of *Louis Bourdon*, Mayor, and others, of the Parish of *St. Romuald de Farnham*; praying for the passing of an Act to create the Counties of *Shefford*, *Missisquoi*, and *Brome*, into an independent Judicial District.

Of *Louis Bourdon* and others, of the Parish of *St. Romuald de Farnham*; praying for an Act to incorporate the Academy *St. Romuald de Farnham*, and also for aid.

Of *J. Wood* and others, on behalf of the Congregation of *Zion Church, Montreal*; of the Reverend *Jonathan Short* and others, of *Port Hope*; of *R.D. Mackay* and others, of *Wellesley*; of the Reverend *William Lockhead* and others, of the Township of *Osgoode*; and of the Reverend *James Skinner* and others, of the Township of *London*; praying for the abolition of Sunday labor in the Post Office Department, and on the *St. Lawrence Canals*.

Of the Board of Trade of *Montreal*; praying that immediate steps may be taken to erect a Light House on the *Bird Island* and on *Cape Auguille*, in the Gulf of *St. Lawrence*.

Of the Municipality of the Township of *Hope*; of *James Scott*, Mayor, on behalf of a Public Meeting of the Inhabitants of the Town of *Port Hope*; and of *James Leslie* and others, of School Section No. 6, Township of *York*; praying for the repeal of the Separate School Act.

Of the Reverend *Joseph Braithwaite* and others, of the County of *Chambly*; praying for certain reductions in the Tariff of Customs Duties.

Of *F.O. Perrault* and others; praying for an Elective Legislative Council, an Elective Governor, and the recall of Sir *Edmund Head*.

Of the *Ottawa and Prescott Railway Company*; praying for a grant of Three thousand five hundred pounds per mile, upon the security of said Railway.

Of *E. Billings*, of the City of *Ottawa*; praying for aid to enable him to carry on the publication of "*The Canadian Naturalist and Geologist Magazine*."

Of *George May* and others, of the Township of *Grantham*, County of *Lincoln*; praying for certain amendments to the Act relating to the management of Public Works in this Province.

Of the Town Council of the Town of *St. Catharines*; praying for the passing of an Act to authorize them to dispose of a lot of land in the Township of *Grantham*, required for the purpose of a Public Cemetery.

Of *Samuel Wood*, of the Township of *Grantham*, County of *Lincoln*; complaining of damage done to his property by enlarging the *Welland Canal*, and praying relief.

(234)

Of the Municipal Council of the United Counties of *Northumberland* and *Durham*; praying for the passing of an Act to legalize certain By-Laws and other proceedings of the said United Counties.

Of the Town Council of the Town of *Cobourg*; praying for certain amendments to the Act incorporating the *Cobourg* and *Peterborough* Railway Company.

Of the Right Reverend the Bishop of *Cydonia*, Administrator of the Diocese of *Montreal*; praying aid for *l'Institut des Sourds-Muets*, near *Montréal*.

Of the Right Reverend the Bishop of *Cydonia*, Administrator of the Diocese of *Montreal*; praying aid for *l'Hôpital St. Patrice de Montréal*.

Mr. *Prévost* reported from the Select Committee on the Bill to provide in a more certain manner for order in enregistration and to facilitate enregistrations and searches in the Registry Offices of *Lower Canada*, That the Committee had gone through the Bill, and directed him to report the same without any amendment.

Ordered, That the Bill be read the third time To-morrow.

Mr. *Stevenson*, from the Standing Committee on Printing, presented to the House the Eighth Report of the said Committee; which was read, as followeth: —

Your Committee have examined the prayers of the following Petitions, and beg to recommend that they be printed: —

Of *Bothwell Gurnett* and others, of the Township of *Delaware*, praying that the Petition of *Charles Powell* for an Act to settle the disputed lines in that Township may not be complied with. Estimated cost, One pound fifteen shillings; the usual number of copies.

Of *W.T. Aikins*, M.D., and *Henry H. Wright*, M.D., setting forth certain grievances. Estimated expense, Nine pounds; the usual number of copies.

And of the New City Gas Company of *Montreal*, praying that the Bill now before the House to incorporate a Gas Company for the said City may not be passed. Estimated cost, Three pounds; the usual number of copies.

Resolved, That this House doth concur with the Committee in the said Report.

Mr. *Chisholm*, from the Select Committee to which was referred the Petition of *Thompson Smith* and others, and another reference, presented to the House the Report of the said Committee; which was read, as followeth: —

Your Committee have taken Evidence as regards the complaint made by the Petitioners, which is herewith annexed.

The Petitioners are persons owning property lying on the shore of Lake *Ontario*, between the River *Humber* and *Wellington Square*, a distance of thirty miles. This coast abounds with good building Stone, a market for which is found in the City of *Toronto*. Small craft during the summer season resort to this coast for the purpose of gathering the Stone, and claim and exercise the right to remove Stone up to the water's edge, thereby causing serious damage to the owners of land by undermining the banks and causing them to fall into the Lake.

Your Committee are satisfied that the present state of the Law is not sufficient to prevent these trespasses, arising from the difficulty of arresting the individuals. They deem it but just to prohibit the removal of Stone from a less distance than four rods from the shore.

Your Committee therefore recommend that an Act should be passed affording the Petitioners every possible protection in their property.

(235)

MINUTES OF EVIDENCE.

Mr. *William Baker* called in; and being interrogated, answered: — I own land in the Township of *Trafalgar*. Small craft during the summer gather Stone on the shore, and claim the right to take Stone up to the water's edge. By this, my land has been undermined and has occasioned me serious loss. I had a grove of trees near the Lake, which has been taken away in consequence of the removal of Stone from the shore, by these Stone-gatherers, and in some places causing a loss of three rods of land. These vessels frequently cover the names painted on the stern of their vessels (if they have any), and otherwise avoid being known. The depredations have now become very serious to all the owners of property lying on the Lake, all of whom, for a distance of twenty-five miles, are Petitioners for protection. I think the only means of ensuring

protection is to prohibit the removal of Stone from a less distance than four rods from low water mark; to compel all craft to have the names of their vessels exposed in bold letters; and to make the craft responsible for the depredations of the crews, and enable those who suffer damage to take proceedings against the crew and craft in any Port in which they may take shelter. The Petitions to Parliament have been signed by all the land owners on the Lake, from the *Humber* to *Wellington Square*, a distance of thirty miles, who feel much excitement on this subject; and unless some protection be afforded, I fear serious consequences may ensue from those who are injured being compelled to protect themselves from these marauders by force of arms.

Mr. *Aaron Oliphant* called in; and being interrogated, answered: — I own land in the Township of *Toronto*, on the shore of Lake *Ontario*. During the summer season small vessels from *Toronto* frequent this shore for the purpose of gathering Stone, and claim the right of removing Stone up to the water's edge, and thus undermine the banks and cause the same to fall into the Lake, to the serious damage and loss of the land owners. When I first settled on my farm, my land was protected from the waves by a large bank of Stone. This protection has been removed, the bank undermined, and I have thus lost about two acres of land, with the prospect of still further loss. The remedy sought for, is to prohibit the removal of Stone from a certain distance from the shore; to make the craft responsible for the trespasses of the crew; and on proof of the craft's name to take proceedings in any Port where the vessels may proceed to.

Mr. *Frederick Chase Capreol* called in; and being interrogated, answered: — I own land in the Township of *Toronto*, on the shore of Lake *Ontario*, adjoining the Harbour at *Port Credit*. I have suffered considerable loss by the trespasses of Stone-gatherers, as described by Messieurs *Oliphant* and *Baker*, whose evidence I have read. I have had many serious altercations with these boatmen when injuring my property. I have suffered violence from them, and I find the Law at present totally inefficient for the protection of myself and other land owners on the coast. I fully coincide in the remedy proposed by Messieurs *Oliphant* and *Baker*. I am of opinion that unless protection be given at the present Session of Parliament, much difficulty will occur, by the owners of property being compelled to protect their property by force. Great discontent among them prevails, and many purpose selling their property, rather than be subject to the injury thereof.

Ordered, That the Petition of *William James* and others, of the Counties of *Lincoln* and *Welland*; the Petition of *Andrew Vanderburgh* and others, of the Counties of *Lincoln* and *Welland*; and the Petition of *John Rannie* and others, of the Counties of *Lincoln* and *Welland*, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

(236)

On motion of Mr. *Whitney*, seconded by Mr. *Chisholm*,

Ordered, That the Bill from the Legislative Council, intituled, "An Act to amend the Act to modify the Usury Laws," be now read for the first time.

The Bill was accordingly read the first time; and ordered to be read a second time To-morrow.

On motion of the Honorable Mr. *Young*, seconded by Mr. *Holton*,

Ordered, That the Bill from the Legislative Council, intituled, "An Act to amend and consolidate the several Acts incorporating the *Mount Royal Cemetery Company*," be now read for the first time.

The Bill was accordingly read the first time; and ordered to be read a second time To-morrow.

On motion of the Honorable Mr. *Merritt*, seconded by Mr. *Frazer*,

Ordered, That the Bill from the Legislative Council, intituled, "An Act to secure to Married Women certain separate rights of property," be now read the first time.

The Bill was accordingly read the first time; and ordered to be read a second time To-morrow.

Ordered, That Mr. *Sidney Smith* have leave to bring in a Bill to authorize a Survey of Broken Front Concession of the Township of *Darlington*, and for other purposes.¹

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. *McCann* have leave to bring in a Bill to confirm certain surveys and allowances for roads in the Township of *East Hawkesbury*.²

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That Mr. *Freeman* have leave to bring in a Bill to extend the provisions of the Insolvent Debtors' Act, and for the relief of a certain class of persons therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. J. DORION, of Arthabaska, in moving the house into committee of the whole in [sic] the resolutions respecting the Public Accounts, of which he had given notice, said that any person could understand the object he had in view. Any one at all acquainted with the way the business was carried on in that House, would see the necessity that existed for laying the Public Accounts before that House, at such a time that they could be properly attended to. Hitherto they had been brought down to the House so late, and in such a confused manner, that it was difficult to understand them thoroughly. The resolutions he was now about to submit to the House, contained almost word for word a statement of the system now adopted in New Brunswick, and for his part he would like that the sense of the House should be taken in such an important matter as this. He would therefore move that the House now resolve itself into committee of the whole, in order to take into consideration the following resolution[s]: —

1st. That it is expedient that the Fiscal Year in all the Public Departments should expire on the 1st of December in each year.

2nd. That it is expedient that the accounts of the revenues and disbursements of public moneys should be sent into the office of the Auditor of Accounts, or other officer appointed to examine and report upon the Public Accounts, on or before the 15th December in each year.

3rd. That any Public Officer neglecting to send in his accounts within the time prescribed, be declared incompetent to fulfil the duties of any office connected with the receiving and paying out of public moneys during the ensuing year.

4th. That it should be the duty of the Auditor of Public Accounts, to audit and revise the Public Ac[c]ounts, to make a general statement of all the accounts of the receipts and disbursements out of public moneys, classified under their proper heads, shewing the state of each account, with such extracts or remarks as may be necessary to render a clear statement of the receipts and disbursements for the preceding year.

5th. That the Report of the Auditor and such statement of the Public Accounts, be printed in time to be laid before the Legislature within [the] first ten days after the opening of the Session in each year.³

MR. INSP. GEN. CAYLEY replied that he was aware of the importance of having the public accounts submitted to the House, at as early a day as possible, in order to avoid the system hitherto unavoidable, of bringing them forward before the close of the session. And he would say, that on the present occasion, every exertion had been made to do so.⁴ But he did not think the hon. mover was aware of all the inconvenience that would be imposed on the Public Departments, if these resolutions were carried into effect.⁵ At present, many public officers, as Sheriffs, &c., were bound to report their Accounts on different days. Now, these days not being coincident with the day mentioned in the resolution, to pass that resolution would have the effect of causing the yearly accounts only to contain the statements from Upper Canada of those officers for the twelve months preceding the twelve months immediately before the Quebec accounts were laid before the House.⁶ This year, an additional delay had been experienced in laying the accounts before the House, owing to the removal of the seat of Government. In future years, however, he trusted that the officers in charge of that department, would be enabled to lay the accounts before the House at an earlier period thnn [sic] the first of April. Under these circumstances, he hoped the hon. gentleman would not persevere in his motion. All the public

officers had to make their returns. And most of their accounts could not be closed until the termination of the year. So that it would be impossible to present the House with a complete statement, if the year were to expire at an earlier period than at present. With reference to the second resolution proposed by the hon. member for Arthabaska, he would merely say, that it was impossible to furnish the accounts within fifteen days after the close of the year, as it proposed.⁷ With regard to the 4th resolution, he thought it would be fair to see the result of the working of our Audit Board, before imposing fresh duties on the Auditor, while the house was not aware what course he was now pursuing, and what the results might be. If the accounts were in the hands of this house, as he expected they would be, before another week was over, there would still be ample time for their examination, before the Estimates were brought down or the house was called to vote on them.⁸ Under these circumstances, he trusted, the hon. member would not press his motion. If the House adopted the resolution, the only effect would be to create great confusion and embar[r]assment in the public departments. Before concluding, he would remark,⁹ that it was the intention of the government to introduce a measure to make a few amendments on the Audit Bill. It was found that in reading reports under different acts, there was not that uniformity that was desirable. This it was proposed to remedy¹⁰. Again, the various public officers were now called on to send in their accounts at different periods during the year. Some of them sent in their accounts quarterly, and others monthly. And he would propose that all accounts should be rendered quarterly.¹¹ Then of the numerous Corporations which received public aid, some of them furnished an account of their rentals from real property, and some did not. He proposed to make this incumbent on all.¹² At present there were some 58 who should send in their accounts, but not more than eight of them forwarded their accounts regularly. These were some of the changes which experience showed to be desirable in this department.¹³ He hoped the hon. gentleman would withdraw his motion.¹⁴

MR. YOUNG said the Inspector General had informed the House of the reforms he would endeavor to introduce in relation to the bringing in of the public accounts. And he had no doubt of the hon. gentleman's good intentions, but he would wish to see the hon. gentlemen in that House fully comprehend the position they stood in at present.¹⁵ The Inspector General promised the house that he would probably have the accounts down in the course of a week or ten days. Now what time was left for their being examined by the house. All the practical results of examining the returns, so far as regarded the duties devolving on the Legislature, were lost. All the *data* they had in reference to the commerce of the country and the public expenditure, related to the commerce and expenditure, not of 1855, but of 1854. No one could draw inferences from the trade of 1855. They must draw them from the trade of 1854. That was a state of things which ought not to exist. It was perfectly useless to appoint a Committee of Public Accounts, when the only accounts on which they could express an opinion were not those of 1855 but of 1854. (Hear, hear.) Now he did not see why the accounts should not be brought down by the opening of Parliament. There was no reason why the fiscal year should terminate on the 31st of December. In Canada the business year practically terminated¹⁶ on the 12th of November¹⁷, and if the fiscal year terminated at the same time, there would be plenty of time for the Public Accounts to be ready when the house met in February.¹⁸ The accounts ought to be brought down for the year immediately preceding the date of the meeting of Parliament in each year.¹⁹ It was useless to say they would be brought down in ten or twelve days hence. Few, if any, hon. gentlemen would then thoroughly examine them.²⁰ Perhaps the hon. mover would secure his object by referring his resolutions to the Committee on Public Accounts, who would report on the subject and bring it in a proper shape before the house. (Hear, hear.)²¹

MR. AT. GEN. J.A. MACDONALD inquired what the hon. gentleman meant by saying that practically the year ended on the 12th of November?²²

MR. YOUNG explained that at that time the business of the season was generally finished.²³

MR. AT. GEN. J.A. MACDONALD said that such might be the case in Montreal, but in Upper Canada, owing to the railway system, the custom house officers were in receipt of revenue all the year round. He fully concurred in the remarks which had fallen from his hon. friend the Inspector General, as to the impossibility under the present system, of furnishing the House with a statement of the public accounts at an earlier period.²⁴ There was great weight in the objection made by the Inspector General. If the change now proposed were made,²⁵ [it] would cause great inconvenience, by necessitating the alteration of a very large number of statutes, fixing the periods for the rendering of accounts, the making up of reports, the paying of salaries, &c.²⁶ And such an alteration would require an immensity of labor — much more, indeed, than could be got through satisfactorily this session. He did not know that there could be any objection offered to the course proposed by the hon. member for Montreal, to refer the consideration of the entire question to the Committee on Public Accounts.²⁷

MR. YOUNG said that by whatever means the desired reform were accomplished, they might set about it speedily. It was impossible they could legislate properly if this statement of public accounts was not brought down at the opening of Parliament.²⁸

MR. HOLTON said that the real question before the House was the bringing down [of] the accounts at some stated period²⁹ when they would be useful to Parliament³⁰, and the real evil was that the House was called on to take action this session on the public accounts a year or two gone by.³¹ [He] supported the suggestion of his hon. colleague from Montreal that the whole matter should be referred to the Committee of Public Accounts, who had already some portions of it under consideration³²; and he would suggest that instead of moving the House into committee on [sic] the whole, that the standing Committee on Public Accounts be instructed as to the expediency of carrying out the proposed resolutions.³³

MR. J. SMITH (Victoria)³⁴ [OR] MR. ROBINSON said that it appeared to him that if the committee on Public Accounts were to be instructed on the point mentioned by the hon. member for Montreal, they ought also to be instructed as to the expediency of deferring the meeting of the Legislature till March³⁵, and that the accounts should be sent down within 15 days after.³⁶

MR. INSP. GEN. CAYLEY had no objection to the proposed course.³⁷

MR. MACKENZIE said that even although they agreed to the system now proposed, and made it a part of the law, he did not believe it would be carried into effect.³⁸ It appeared that the public accounts were now in the hands of a printer; and if it were proper that he should see these accounts, why should not the House see them? In the Upper Canada Parliament, the ... accounts were delivered to the House and then printed. Delay, however, was not the worst thing.³⁹ The hon. gentleman then instanced the manner in which the public accounts had been withheld in 1851 and 1853.⁴⁰ The Accounts of 1853 should have been ready for the house at the commencement of the session in June 1854, but although they were printed then, Mr. Hincks kept them in his hands and did not lay them before the house till September.⁴¹ Hon. gentlemen were thus prevented from seeing the accounts till after the House had dissolved.⁴² Then how were they treated in regard to the Accounts of 1854? As chairman of the Committee of Public Accounts, he reported a resolution towards the end of March, asking the Government why the Accounts were not brought forward. And what was the result? They did not get the accounts, which they were expected to examine and analyze and pass a judgment upon, till the latter end of April.⁴³ When the Committee of Public Accounts wished to see the books in the Financial Department of the Government, they were told that there was agreement between the Inspector General and the Receiver General's department that the Committee should see nothing. It was not till some time afterwards that the Committee did see anything. And he was told by Mr. Taché that he would shew him his books, because the Inspector General's department had done so, and had thus broken the

engagement.⁴⁴ Then, the whole business of the session being crowded together, the Accounts could not be examined, and never were examined.⁴⁵ After working hard at them till even four o'clock in the morning, they were unable to go through them properly. It was impossible to do so. He would like to know why the Inspector General could not, as had been done in former Parliaments, furnish that House with a statement before he submitted it to the printer. It appeared to him that there was an absurdity in the whole thing.⁴⁶

MR. BROWN thought that the House was indebted to the hon. member for Arthabaska for bringing forward his motion. The present method of keeping the public accounts was totally inefficient.⁴⁷ It was quite unreasonable to expect from the house just legislation on the numerous matters that came before them, affecting the most important interests of the country, without a thorough knowledge of the state of the public finances, of the state of the public works for the last year, of the position of the Crown Lands Department, &c. Yet what did they know at this moment of the state of any one of those departments? (Hear, hear.) The house had been assembled for seven weeks, pretending to legislate on public affairs, without the slightest information as to the finances or trade of the country since 1854. Were they to tell that to their constituents, the people would scarcely believe, that they could sit there stultifying themselves in that manner. (Hear, hear.) A bill was placed on the statute book, ordering each of the Departments to make up a report to a certain time. But when did the house see these reports? Perhaps at the end of the session, but not sooner, and nobody read them. They were left entirely without that information which was necessary for carrying on the practical legislation of the country.⁴⁸ Day after day, petitions asking for appropriations of the public money, for the construction of public works, railroads, bridges, &c., were presented to the House, and by and bye they would probably have that great railroad corporation, the Grand Trunk, coming down to the House, asking a further appropriation;⁴⁹ and yet the House knew nothing of the state of the public finances, or how they would be able to bear the demands that were made upon them. How could the House, without that information, deal intelligently with the numerous Bills, affecting various interests, now before them? Then look at the inquiries made of the Government. One hon. member asked about the York Roads — another inquired about a road in Lower Canada — another as to a bridge, another as to a railway company, &c. Now, if they had the accounts, none of these inquiries would be necessary, all the information sought would be found in them. Last year the Inspector General spoke as strongly as any one could against the existing system, yet nothing had been done to cure the evil⁵⁰. And now another year has come, and hon. gentlemen were obliged to force this matter on him. He (Mr. Brown,)⁵¹ did not think the hon. gentleman did his duty to the house, if he did not explain his views as to some scheme or other by which a better system might be introduced.⁵²

MR. INSP. GEN. CAYLEY had every desire to bring down these accounts, but it was impossible at this time in consequence of the early meeting of the Legislature to do so at once. The honorable member for Hald[i]mand seems to think there is some reluctance on the part of the Government to bring down the public accounts. Last year he explained to the House why he wanted to have these accounts printed before he brought them down. The labor of recopying these accounts would occupy something like five or six weeks, and then it would be a perfectly useless document. He had therefore waited this year to bring the accounts down in such a shape as would be most convenient to the House. And yet he was told that his conduct was uncourteous and unseemly in not bringing them down. Was he to be told that he was not acting with becoming respect to this House by not having sent in these accounts in manuscript when last year it was stated that the House had no objection to wait to have them printed. He had no hesitation at all to bring down the accounts. He had nothing to conceal. But now members must be aware that the time of the clerks is employed night after night in copying out⁵³ returns of the most voluminous kind, going back for years and years, which were constantly demanded by the House⁵⁴, most of which are merely duplicates of what has been already sent down to the House, and which are to be found upon the Journals, if honorable members would but trouble themselves to

refer to these Journals for them. The other day the honorable member for Wentworth called for a certain return from the college, every one of the items of which, except the return of the number of students was to be found in the Journals of the House; and yet a return which occupied forty or fifty pages had to be copied out by the clerks to save the honorable gentleman the trouble of going over the Journals.⁵⁵ As to the agreement which Mr. Mackenzie had spoken of, he denied that any difficulties had been thrown in the way⁵⁶ of any honorable member of this House getting any information in his department which they thought proper to ask. He had no objection, however, that this question as to the termination of the fiscal year be referred to the committee on Public Accounts. He had discussed the matter with the Auditor of Public Accounts, and it had been referred to the Deputy Inspector General to see how far the system could be changed to meet the wishes of Parliament. A good deal of the difficulty, however, had been caused by the removal to Toronto, and the necessary closing of the offices for several months.⁵⁷

MR. YOUNG said in reference to the remark of the hon. member for Haldimand not being able to obtain information from the Inspector General's department, it was, perhaps, proper for him, being a member of the Committee on Public Accounts, to say that the Chairman of that Committee was instructed to ascertain something in regard to the system pursued in the various departments, and any interruption that did take place in regard to receiving that information, was but temporary. Every information that was required from the Inspector General's department, was given promptly and freely.⁵⁸

MR. FREEMAN stated in regard to the return he asked for, that it had not been completed. The information he asked for, was incomplete without the number of students.⁵⁹

MR. MERRITT agreed with Mr. Cayley that there were great difficulties about these matters, but⁶⁰ considered it impossible for the departments to do better under the present system, which was so absurd that it was impossible to work it out by any man or any set of men whatever. He urged the adoption of a system such as that in force in all the States of the Union, where the accounts were closed at a stated time, and the report was ready to present to the House at its opening.⁶¹ He held in his hand a book which contained all the accounts of the United States Government made up to the beginning of the session of Congress. There members could read everything they wanted to see, and there was, therefore,⁶² none of that fooling which they had here, of continually calling for returns on all sorts of subjects.⁶³ It was absolutely necessary that some alterations should be made.⁶⁴ What was wanted, was a fixed time for the meeting of Parliament, and a law providing that the accounts should all be made up to a period shortly before that time.⁶⁵

MR. A. DORION (Montreal) concurred in the remarks of previous speakers as to the great benefit that would result to the country if the accounts could be rendered at the beginning of each Session.⁶⁶ [He] did not see that any difficulty could arise if the fiscal year were to terminate at the end of October, or even September, and plenty of time would thereby be afforded to bring down the public accounts at the opening of the Legislature in February. He recommended to the hon. member for Arthabaska to alter his resolution of moving the House into Committee and move the resolutions in the meantime as an instruction to the Committee on Public Accounts. He understood the Inspector General had no objection to that course. Of course it would be difficult all at once to change the system, but if they determined to change it, they might date the commencement of the new system from the end of '56 or '57, two years would be ample time to bring about a change. He contended that whatever time was fixed for the close of the fiscal year, it should leave sufficient time to have the accounts prepared to bring down at the opening of the Session in February.⁶⁷

MR. INSP. GEN. CAYLEY had no objection to refer the matter to the Committee on Public Accounts, under certain restrictions.⁶⁸ Having perused the book containing the report of the Secretary

of State of the United States, [he] saw it was made up to the 30th June 1855, and was only printed in January, '56.⁶⁹

MR. HOLTON. — It was laid before Congress at its meeting in 1855, and printed afterwards by order.⁷⁰

MR. INSP. GEN. CAYLEY. — Well, it could ... only be useful for reference after it was printed.⁷¹

MR. J. DORION changed his motion as suggested by the hon. member for Montreal, and it was unanimously adopted.⁷²

- (236) On motion of Mr. *Jean Baptiste Eric Dorion*, seconded by Mr. *Prévost*,
Ordered, That it be an Instruction to the Standing Committee on Public Accounts to take into consideration the following Resolutions, and to report thereon: —
1. That it is expedient that the Fiscal Year in all the Public Departments should expire on the 1st of December in each year.
 2. That it is expedient that the Accounts of the Revenues and Disbursements of Public Moneys should be sent into the Office of the Auditor of Public Accounts, or other Officer appointed to examine and report upon the Public Accounts, on or before the 15th December in each year.
 3. That any Public Officer neglecting to send in his Accounts within the time prescribed, be declared incompetent to fulfil the duties of any office connected with the receiving and paying out of Public Moneys during the ensuing year.
 4. That it should be the duty of the Auditor of Public Accounts to audit and revise the Public Accounts, to make a General Statement of all the Accounts of the Receipts and Disbursements out of Public Moneys, classified under their proper heads, shewing the state of each Account, with such extracts or remarks as may be necessary to render a clear Statement of the Receipts and Disbursements for the preceding year.
 5. That the Report of the Auditor and such Statement of the Public Accounts be printed in time to be laid before the Legislature within the first ten days after the opening of the Session in each year.
- (237) *Ordered*, That Mr. *Sanborn* have leave to bring in a Bill to provide more effectually for the alienation of Lands of Minors, Absentees, and vacant estates.
 He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. HARTMAN moved, "the appointment of a Committee of the whole House to consider the laws regulating the manufacture of and the traffic in intoxicating liquors, with a view to devise more efficient means for the suppression of intemperance." In addressing the house the hon. gentleman said, he did not intend going into any lengthy considerations of this question. It had been so frequently before the house that very little more could be said.⁷³ But as it had already been declared by the House that no prohibitory Bill should be passed this session for Lower Canada, he would endeavor to get one passed for Upper Canada. His reasons [sic] for this course was simply because a few nights ago the majority of the members for Lower Canada had voted against the principles of a prohibitory law, while a number of the members for Upper Canada had voted in favor of it. Since that decision petitions had come in on both sides of the question, but he would say much more numerous in favor of prohibition than against it. He had not counted all the petitions sent in up to the present moment, but up to some day last week 256 petitions had been presented to the House in favor of the principle he advocated. Of that number only six were from Lower Canada, consequently 250 of them were from Upper Canada. Up to that time 13 petitions had been presented against the principle of prohibition, and of these 13 some 4 were from Lower Canada. There appeared in all on these petitions, 58,000 petitioners in favor of the prohibition and 1,300 against it. Since that time he was aware that a great many more petitions had been brought in⁷⁴. So far as he had been able to gather from statistics, the whole number of persons who

had petitioned against the principle, did not exceed 7,000 or 8,000,⁷⁵ while the petitioners in favor of it will amount to at least 70,000 in this present session, or about 10 to 1. In looking over the petitions that had come in against the principle, he had been led to examine the reasons assigned by that portion of the community who have thought proper to petition against the principle of prohibition, and really the reasons they give are worthy of consideration. They are sent to the House and ought to be considered. But the petitioners saved the House the trouble of going through the whole of their arguments seriatim, for they sum them up in the following way — Your petitioners believe that the only and certain effect of a prohibitory liquor law would be to inflict an injury upon the farmers, by curtailing the demand for hops, barley, and other grains. He had examined all the petitions against the principle, and so far as he could see they were all of the same nature, all printed with the same type and precisely the same in substance. He wanted, also, to see where these petitions emanated from, and found that with two exceptions they came from city and town constituencies. Two came from rural constituencies in Lower Canada, but not one from a rural constituency in Upper Canada. Of course the petitioners have a right to have their petitions taken into consideration, and they must be judged by their merits. It was somewhat singular that if this principle was to be so injurious to the rural constituencies that we do not find these constituencies complaining themselves, but the benevolent people in the towns and cities were petitioning in their behalf. He did not see much force in that sort of argument.⁷⁶ The argument, that the principle he sought by this measure to carry out, had failed elsewhere after being enacted, amounted to nothing at all. Other principles had also failed in their successful carrying out; and if we were to give up legislation upon that ground, it would soon come to an end, but to say that it had failed in any of the States of the Union was untrue. — He was not convinced that it had failed anywhere, and even if it had failed in the States, that was no reason why this country should be discouraged, while the evil of intemperance overran the land⁷⁷, [and] when they found so many people desiring that some action should be taken. Even the opponents of the measure urge that it is necessary to do something, but the highest they intend to go is to enact a stringent License Law. But he did not think they could enact any license law that would be more effectual than the present one. These license laws had never yet in any country been effectual in diminishing the evils of drunkenness, and notwithstanding their existence the evils of drunkenness were rapidly increasing, and it became this House to do something more than merely passing a stringent license law.⁷⁸ His object was to carry a Prohibitory Liquor Law for Upper Canada, and he made his motion apply only to that part of the Province.⁷⁹ He would therefore move that the House do go into committee to consider the law ... [regulating] the manufacture and traffic in intoxicating liquors; and while in committee he would move to the effect that it is expedient to prohibit in Upper Canada the use of intoxicating liquors as a beverage.⁸⁰

MR. POST. GEN. SPENCE said before the motion was put he would ask if the hon. gentleman had lost faith in the principles of a Prohibitory Liquor Law for the whole of Canada. He did not see why the hon. gentleman should distrust the efficacy of his own principles. He objected to the House going into committee of the whole to discuss a sectional law. There was no law upon the statute book solely for Upper Canada, and he hoped the hon. gentleman will alter his motion so as to go for a Prohibitory Law for the whole Province.⁸¹

MR. HARTMAN would most cheerfully join the Hon. Postmaster General in trying to carry such a law for the whole Province, but that the house had decided against it. (Hear, hear.)⁸²

[Cries of] no, no, from several voices.⁸³

[MR. HARTMAN:] If it is so that the House has not decided against it, he was perfectly willing to try that again. He had not by any means lost faith in the efficacy of his principles — he had as much faith in the efficacy of the principles as his hon. friend, the Post Master General.⁸⁴ He would agree to strike out the words “Upper Canada,” and let the law be for the whole of the Province.⁸⁵ He would

therefore move that the Speaker would decide whether the whole question could be taken up again this session or not.⁸⁶

MR. SICOTTE the SPEAKER did not think he was at this stage properly called upon to decide a question of order. The only question of order that could arise was as to whether the motion now before him was in order. He would say that the motion⁸⁷ at present in his hand, with the words "Upper Canada," was perfectly in order.⁸⁸

(237)

Mr. *Hartman* moved, seconded by Mr. *Aikins*, and the Question being proposed, That this House will immediately resolve itself into a Committee to consider the Laws of *Upper Canada* regulating the manufacture of, and the traffic in, Intoxicating Liquors, with a view to devise more efficient means for the suppress[s]ion of Intemperance;

MR. SANBORN after referring to the fact that there was a sort of sectional legislation in existence, so far as the municipal systems of each Province were concerned,⁸⁹ went into a consideration of the relative positions of the two sections in regard to the operation of a Liquor Law. In Lower Canada the power given by the Municipalities Act did not extend to inn-keepers at all, while it did in Upper Canada. He regretted very much that the principle could not be extended to Lower Canada as well as Upper. He felt great interest in the measure, and was confident it would be carried out, and he believed that the country, taken as a whole (the real stamina of the country) was in favour of it, but as the majority of the members of Lower Canada had decided that that section did not want it, and as Upper Canadian members had given an unequivocal vote for it, it was an evidence that Upper Canada wants it, and he did not see why it should not be carried out in one section of the Province if it was applicable to both. Some parties who had petitioned against the principles of the Maine Law had taken great pains to obtain petitions, and the reasons [sic] given by them, as properly stated by the hon. member for York was, that it will discourage the growth of oats and hops. Now as Lower Canada had been wanting in enterprise, he would desire and like to see the bill confined to Upper Canada, in order that Upper Canada might be the grower of grain for Lower Canada, for the supply which they might require⁹⁰ [OR] he would like to see this law passed, in order that Lower Canada might be the grower of these articles for herself if they were required. But taking another view of the question,⁹¹ he saw no reason why the legislation should not be limited to Upper Canada, so far as this question or any other was concerned, that might be brought forward. He was sorry that the Hon. Postmaster General would not confine his ideas of legislation upon this question, to all other questions that might arise. It was a dangerous principle for that hon. gentleman to assert what he had. He might be placed in that position in which ministers had often been placed of finding themselves in a minority so far as one section of the Province was concerned, and a majority in the other. This principle was sanctioned in the principle of legislation, when Mr. Robert Baldwin resigned, and that was no mean illustration either.⁹² That gentleman resigned, not because there was a majority of the House against him, but because there was a majority of Upper Canada members against him⁹³ upon a question which affected Upper Canada. Now he (Mr. Sanborn) did not maintain that this was a subject which affects Upper Canada more than Lower, but it was a question which they might legislate upon for both sections of the Province, but at the same time, while there was an essentially different opinion expressed by the public in Upper Canada, and by the votes in that house upon this measure to what there was in Lower Canada, he was prepared to give to Upper Canada what she demands, which is, the principle of prohibition.⁹⁴

MR. GAMBLE did not rise to oppose the motion of his hon. friend on the right, but merely in discharge of his duty to his constituents, which was, to lay before the house a certain knowledge which had been brought to him in relation to the petitions which had come to the house in favour of the principle of this measure. The hon. member for North York had dwelt a great deal upon the fact of the great number of persons who had petitioned against this law, but people had seen in various papers the heading "Manufacturing of Public Opinion." The fact was, that women and children had been

obtained to sign these petitions. He would merely refer in proof of this to a letter from a highly respectable constituent of his⁹⁵, whose name he said he would not give⁹⁶. It was in very nearly the following words: — "Having read the enclosed remarks from the *Colonist*, which is headed 'Manufacturing Public Opinion,' and finding that parties are acting in the same manner or worse in our townships, I thought it right to make you acquainted as our representative, with the fact. A large number of petitions sent in, are not signed by the heads of families, but by children, and without the knowledge of their parents, which cannot be the expression of public opinion."⁹⁷ The writer had refused to sign himself, but found that his children had been induced to do so at their school. One was a little girl only nine years old. All the school children's names were signed, and those of the children who could not write were written by the children who could.⁹⁸

MR. CHRISTIE said in order to test the House again upon the question, he would move an amendment⁹⁹, that after the word intemperance, the following words be added, "by prohibiting the traffic in intoxicating liquors as a beverage."¹⁰⁰

MR. CONGER said this was a question of great importance, and he trusted the members of the House would approach it with candor. He was satisfied that notwithstanding the remarks of some members of this House it was a measure earnestly desired by a large portion of the people of the country. It had been said that the law should be confined to Upper Canada, because the people in Lower Canada had no need for it¹⁰¹. Now, he believed, that if they were not in the habit of using spirituous liquors to excess in Lower Canada, then that they could not object to the passage of the law, and he hoped that if it was to be passed, that it would be an effectual one in its provisions, and trusted that it would be applied to the whole of the Province. He was opposed to anything sectional. A great many evils that we now laboured under had been caused by passing measures for one section, and not the other.¹⁰² He would give his vote for the motion now before the chair, but he trusted that if a Bill were passed it would be extended to the whole of the Province, for unless it was so it would in his estimation be ineffectual.¹⁰³

MR. YOUNG was very sorry to say, that this law was very much more required in Upper Canada, than Lower. (Hear, hear.)¹⁰⁴ It was evident that there was much more liquor used in the one Province than the other. Any one who will examine the trade and commerce returns for 1854, would find that there are no fewer than 112 distilleries in Upper Canada, while there were only 10 in Lower Canada.¹⁰⁵ (Hear, hear.) He found that the quantity of Whiskey distilled in Upper Canada, in that year, was 1,923,306 gallons, and in Lower Canada, 668,604. The quantity of Whiskey imported into Upper Canada, amounted to 512,735 gallons, and into Lower Canada, 190,578 gallons. That quantity, supposing the population of Upper and Lower Canada to consist of two millions, would give seven pints to each man, woman, and child, in Lower Canada; and twenty pints for each man, woman, and child, in Upper Canada. (Laughter¹⁰⁶ [and] hear, hear.) He regretted that these were facts so capable of being proved. Nor could the difficulty be got over by saying that the quantity of other spirituous liquors than whiskey, would be greater in the Lower Province. Out of 158,669 gallons of rum,¹⁰⁷ gin, brandy and other spirits,¹⁰⁸ used in the Lower Province, 60,000 gallons were of whiskey. He believed the prohibitory law to be a bad law, and was convinced that it could not be practically carried out. In the State of New York, it has been decided the other day, that while each State had power to regulate the traffic in intoxicating liquors — the Supreme Court has decided that they have not the power to prohibit the traffic.¹⁰⁹

[A member:] No, no, not power to destroy it.¹¹⁰

[MR. YOUNG continued:] Well he might be wrong in that. But he would like to know how it was possible to carry out this law. Look at our extensive frontier. Suppose the importation [sic] by

way of the St. Lawrence was prevented, he should like to know how it was possible to prevent importation from the United States, it being understood that they have the right to traffic in the article.¹¹¹ It was utterly and completely impossible to prevent it, and smuggling would be rampant. Another great consideration was this.¹¹² Supposing they were to declare to-morrow in favor of a prohibitory liquor law, what would be done with those 112 distilleries at present in Upper Canada? You cannot take their trade away without making compensation; and suppose they were to give each of them £5,000, which would be a moderate sum, this would be £560,000. Was this House prepared to give away that sum to those parties who have invested their money in that way. He saw no way of carrying out this law, suppose it were passed to-morrow, and no one would stand up and say they could prevent importation from the United States¹¹³. Whatever was an article of commerce, was free to be imported at the will of the party.¹¹⁴

MR. HARTMAN replied to the remarks of the hon. member for ... [West] York (Mr. Gamble) in reference to the getting up of the petition[s], and stated that he had a letter from a gentleman — one of that hon. gentleman's own constituents, a clergyman, who was not afraid to give his views. That gentleman, the Rev. Thomas Wightman, of the Township of York, states that the petition which he sent in was signed only by adult males.¹¹⁵ It was true that there are some petitions signed by women and children, but he did not attach less weight to such petitions than those signed by men. Had not a bill been introduced into that very house three years ago to protect the wives and children of the drunkard, and had not some hon. gentleman now a bill lying before the house having in view the like object?¹¹⁶ He [Mr. Gamble] should have been the last person to object to petitions signed by women and children demanding such a law. They were the people who suffered most by it — they were the parties who had the best right to complain, for they were the parties who could justly speak of the evils that flow from an unrestrained traffic in intoxicating drinks. The hon. gentleman then replied to the remarks of the hon. member for Montreal in regard to constitutionality. While the Judges in the States decide what is constitutional, the Parliament of this country decides what is constitutional — so that if this Legislature pass an act, and it becomes law, it is law notwithstanding what any judge may say to the contrary. If they choose to prohibit the traffic, they may do so, and that was the only course that would be effectual. They had failed ever since they attempted to regulate this traffic, and the only proper course was to prohibit it. As to the question of compensation he was quite ready to go into that. He stated last year, that as the Legislature had encouraged by legislation this particular branch of business, and then in its wisdom see that it is necessary to do away with that particular branch of business for the purpose of securing the rights and the liberties of the people — it was no more than right that the legislature should take the subject of compensation into consideration. He thought this a sound and correct principle, and he had no hesitation in saying that those who stood with him will at once declare that it is no more than right that the Legislature which has encouraged that branch of business and would now do away with it, should consider the claims to compensation of those parties who have invested their capital in it¹¹⁷, to a reasonable amount. — (Hear, hear.) It would be a cheap bargain to pay every dollar of claim set up out of the public chest to cure so great an evil¹¹⁸. It would be far better to do this than to continue the traffic, entailing an amount of expense of millions of dollars, besides destroying the health and the welfare — the happiness, peace and prosperity of thousands of our fellow subjects. What was £560,000 to the peace and welfare and happiness of the entire community.¹¹⁹ Just in the same way he thought it was better to direct efforts to guard the frontier against the admission of liquor than to guard the whole country by license laws, which could never be carried out.¹²⁰ It was not necessary now to enter into the considerations of suffering humanity. It was impossible to go out without seeing the vice produced by liquor¹²¹, [and] he was satisfied there was no one but was prepared to admit the evils of intemperance arising from the unrestrained traffic in intoxicating drinks.¹²²

DR. MASSON said he had been six months here and had not seen any outward signs of intemperance in this city.¹²³

MR. HARTMAN was glad that such was the fact, but was sorry he could not join the hon. gentleman. He then replied to the remarks in reference to smuggling, and concluded by declaring it impossible for any municipality to carry out the condition of any license law they might adopt.¹²⁴

MR. ROBINSON could not go with the hon. member for Peterborough, or the mover, and he was quite aware of the importance of the subject. A measure which prescribed what a man shall not eat and drink, could not be enforced in this country. He would never take into account £ s. d. in such matters, but he would pay these distillers if it was necessary. He hardly could read without indignation the police reports, by which it appeared, that numbers of unfortunate creatures were hurried before the court, and without remarks being scarcely made, consigned to prison for a month. Some better system could be devised surely which would very materially diminish the evil, if not entirely eradicate it.¹²⁵ He did not think they had done all they could in the way of enforcing a license law. Some means should be adopted whereby the man who sells to intemperate persons should be punished.¹²⁶ Who ever saw in Toronto the man brought up to the court, who sells the liquor to these persons? (Hear, hear.) Who could walk the town without seeing the number of taverns licensed? This only held out an inducement for intemperance.¹²⁷ He had been a good deal about Lower Canada, and was satisfied that they were much more temperate there. Their ministers of religion exercised a greater influence than was done in the Upper Province.¹²⁸ The hon. member for Frontenac (Mr. Smith) who was "a jolly good fellow," said that he intended to give up drinking altogether, if this bill passed. (Laughter.) Now if he (Mr. R.) thought that if depriving that hon. gentleman of the beverage would make all the rest of the community happy, he would vote for the measure.¹²⁹

MR. SOL. GEN. H. SMITH said, whenever the law passed, he meant to adhere to the law most religiously. (Laughter.)¹³⁰

MR. ROBINSON would go as far as any one in punishing drunkenness, for he had seen too often the misery it produced in society, and it seemed wrong in a Christian country that such a thing should be permitted. It was no better than permitting men to take strychnine, to purchase rum. But he would vote against a Prohibitory Liquor Law, and would account for his vote to his constituents.¹³¹ He had seen the operations of the Law in the States, and in travelling through States where the law was passed,¹³² he had had no difficulty in getting anything he wanted at a very moderate expense¹³³. The law was not enforced there, and he was confident that although it was passed, it could not be enforced here.¹³⁴ If he liked to abuse what God had given him, he should not be punished for it by those who were not proper censors; but he would defy any body to say that they ever saw him in a way otherwise than sober, and he did not intend that they should. He would vote against the amendment, because that brought up the whole question. He would have had no objection to have gone into Committee to see how far a plan could be devised to do away with intemperance.¹³⁵

MR. SOMERVILLE said, should the question be brought up for a law of the whole Province, he would vote for it as he had done before. But as he disl[i]ked this sort of sectional Legislation, he would vote against the motion now before the House.¹³⁶

MR. SCATCHERD was willing to admit that there was a great deal of wisdom in this House, but he was hardly prepared to say that all the wisdom of the Province was concentrated in the House, and, however much it might be thought by some honorable gentlemen that a better scheme than a Prohibitory law might be devised, it appeared to him that¹³⁷ if ever there was a measure petitioned for, and for those rights which should be respected,¹³⁸ it was this Prohibitory Liquor Law. He should be sorry to hear that although they could not carry a measure that would be applicable to both sections of the Province, that they should not try to do all they could to carry it for one section. It might as well have been argued that becauae [sic] Maine did not get all the other States in the Union to go in with her in passing the law, that she should have taken no action upon it at all. He thought the country demanded

this measure, and it was the duty of the Legislature to bring it forward¹³⁹. This measure deserved to have a trial, and he hoped that all hon. gentlemen who were in favour of the law for the Upper Province would vote for the amendment now before the House.¹⁴⁰

MR. TERRILL said he had never made a speech upon this subject, and he presumed he would not make a good one, even if he attempted¹⁴¹. At the same time he could not give a silent vote upon this occasion. The amendment of the hon. member for Brant [Mr. Christie] he would cheerfully vote for. He had had a difficulty in his mind before upon this question, and in 1853, although fully prepared as other members were, to admit all the evils of intemperance and the necessity of preventing the evil, it had been with him a question of time, and he voted then for the rejection of the Bill, which was carried through by the hon. Mr. Cameron, a then member of the Government. After seeing petitions pour in from all parts of the country he was induced to try the experiment, and in 1854 gave a vote in favour of the Bill¹⁴² which the hon. member for Wolfe brought in, and he believed that hon. gentlemen [sic] was somewhat in the [same] position as himself. He [Mr. Felton] was induced to take charge of that measure, because he thought the country desired it, although his own opinions were not decidedly for such a measure. He (Mr. T.) gave his vote then and he was not prepared to give any other vote now.¹⁴³ He yielded in order that it might be seen whether the law could be enforced or not.¹⁴⁴ He wanted the petitioners to have an opportunity of testing their opinions. He did not admit that this question was one, as the hon. member for Compton thought, which ought to be made a Government one, or about which there need be any apprehension.¹⁴⁵

MR. SANBORN did not say anything about a government measure.¹⁴⁶

MR. TERRILL thought that there was a difficulty in the propositions before the house, for that it [sic] recommended the right of compensation to persons, whose business prospects should be affected in any way by the passing of a Prohibitory Law, applicable to Upper Canada, and not to the whole of the Province. Where was the compensation to come from? Were they to give to Upper Canada, a law which prevents the sale of ardent spirits, and compensate persons whose business is interfered with? He would have voted for both propositions before the house, but when he heard this compensation question brought forward, he could not. Was the compensation to be taken from the general revenue of the Province?¹⁴⁷ How could money be taken from the Consolidated Fund of both Provinces for U.C. alone?¹⁴⁸ He had never been inclined to recognize this idea of compensation, it seemed to him unreasonable they should do so.¹⁴⁹ It was difficult to deal justly in such a case, in fact the difficulty was insurmountable, and he hoped that hon. members would vote for the amendment, and that would save the necessity of discussing the other question.¹⁵⁰

MR. FERRES thought that some sort of law should be introduced, which should satisfy those who do not think families are ruined. The legislature had no right to impose a Liquor Law upon those who do not want it; but if the inebriate was unable to take care of¹⁵¹ himself and his family in consequence of excess in drinking,¹⁵² then complaint should be laid before the proper tribunal, and give[n] proof of the fact, that the man is an habitual drunkard, and unable to protect his property, then let him be interdicted, and his property taken out of his hands; and then after his being interdicted, let it be made a crime, for any person to supply him with liquor¹⁵³, any such person so offending to pay a heavy penalty to the Crown.¹⁵⁴ If the bill went to a committee, he would move something of that kind.¹⁵⁵

MR. DUFRESNE was opposed to a prohibitory liquor law, not because he was desirous of increasing intemperance, but because he looked upon such a law as a new chain forged to curtail the liberties of [sic] the people¹⁵⁶, under the semblance of a liberal principle conferred upon them.¹⁵⁷ He liked men to enjoy their liberty, while he desired to have them punished for crime.¹⁵⁸ He had voted against it before. He was satisfied the people of Lower Canada did not require it, and he had always too

high an opinion of the people of Upper Canada to force upon them such a law. He would therefore vote¹⁵⁹ against the original motion and amendment.¹⁶⁰

MR. SOL. GEN. H. SMITH said, upon every occasion when this question was discussed, there appeared to be a great diversity of opinion among hon. gentlemen as to the manner of attaining the end which all had in view. He thought that, probably, the disastrous effects which had been witnessed in this country of intemperance, might be attributed, in the first place, to the cheapness of spirituous liquors. (Hear, hear.)¹⁶¹ The prohibition of the manufacture of ardent spirits was therefore the first step in reform.¹⁶² If the liquor had all to be imported, there would not be so much drunkenness. Nothing would strike more at the root of intemperance than the prevention of the manufacture of spirits in distilleries. Just as sure as the rights of distillers were abolished by law, there would be no end of difficulty. The law authorized them, upon payment of certain duties, to invest their money in this way, and then he would hold that, the moment their rights are legislated away, they must be compensated. (Hear, hear.) He must now declare that he was very sorry that he had given a vote the other day for a measure which made this a sectional question. He certainly did think now, that the law ought to apply to the whole Province. If it was only to apply to one section it could easily be evaded by a party moving to the other where it did not apply. It was an indisputable fact, that the high wines of Upper Canada were sent to Lower Canada and made into Rum and Brandy. (Laughter.) Nine-tenths of all the brandy that some hon. members drank by the name of "Pale Brandy" was manufactured near Kingston. (Hear, hear.) But how advantageous it would be if all the course [sic] grain in this country used for the purpose of distillation, were consumed by the farmers themselves! The effect must inevitably be, that as you remove from the country that which is the food and main staff of life and the support of cattle, and convert it to another, the price of food would rise. As to the amendment, he looked upon it as immaterial¹⁶³. He thought the House should go into Committee to discuss the whole question; but whatever plan was adopted, should apply to the whole Province.¹⁶⁴ Although he was always in favour of the Maine Law, he did not feel himself debarred from using wines and liquors as he considered necessary.¹⁶⁵

MR. FELTON had opposed the law for the whole Province, because he thought the majority in the whole Province was not in favor of it;¹⁶⁶ but as he saw that a majority of the people of Upper Canada were in favour of a prohibitory law, he thought that they should get a prohibitory law. It was an important question to decide, whether we were to have the law applied to Upper Canada alone; but as the people of the Upper Province were so desirous of having a prohibitory law, he thought that the Lower Canadians should help them to get that law. If the law was not found to be adapted to Upper Canada — and it could be tried better here — it would not be tried in Lower Canada. He believed that in the Province, there was not a more intemperate city than Toronto; he would therefore vote for the amendment and for the bill.¹⁶⁷

MR. J. DORION (Arthabaska) was glad to see his hon. friend coming back to the right track again [sic].¹⁶⁸ He believed, notwithstanding what had been said to the contrary, that nearly all the rural population of Lower Canada were in favour of a Maine Law. One proof of this was that ten or twelve municipalities had carried it out, so far as they could, under the Municipal Act of 1855, by which power was given to the municipalities to prevent the sale of liquors to a certain extent.¹⁶⁹ The sale of liquor to the Indians had always been prohibited, and for the same reason as had given rise to that prohibition he thought the sale of liquor to drunkards should be stopped, for drunkards were certainly no better than Indians.¹⁷⁰ He wished the Law passed for the whole Province, and, although he was not sure whether it would be in order by moving that again this session, he would test it by submitting the following amendment: — "That this house do resolve itself into committee of the whole house, to devise the best means of enacting a Prohibitory Law for Canada, without any regard to the line which divides Upper from Lower Canada."¹⁷¹

MR. SICOTTE the SPEAKER said that a motion for a Prohibitory Law for the whole Province had already been negatived this session, and the amendment, therefore, was not in order.¹⁷²

MR. BROWN wished to explain the vote he intended to give on the question before the House. He had voted in favour of a Prohibitory Liquor Law for Canada from the first, and he should continue to do so till it was carried. He believed a large number of the people of Canada were in favour of it, and he was satisfied that the good effects produced by it in some of the States of the Union, were very marked, and not to be denied. He should very much desire, therefore, to see the law put in operation in Canada.¹⁷³ The people of Upper Canada called for a Maine law. But he did not see why the law was excluded from Lower Canada.¹⁷⁴ It appeared to him that putting it in operation in one section of the Province, and not in the other, would not be advantageous. He believed that sectional legislation would have an exceedingly bad effect. It was true that, in many matters, they had different systems of legislation for Upper and Lower Canada, and they might be compelled for some time to leave them in operation. But they hoped gradually to get that changed, and to have one system introduced for the whole Province. They might be compelled to submit for a time to those differences, — but that was one thing, and it was quite another thing to take up a new measure, and apply it to one section of the Province and not to the other. The tendency of their legislation should be to have one system for the whole Province; and if they could not secure that at once, they should at least endeavour to get rid of the diversities in legislation as rapidly as possible, instead of adding to them. He could not, ther[e]fore, vote for the amendment of his hon. friend from Brantford, but should support the proposition of his hon. friend from North York (Mr. Hartman.)¹⁷⁵

It being six o'clock, MR. SICOTTE the SPEAKER left the Chair.¹⁷⁶

[After the recess,]

MR. MACKENZIE was surprised that any objection should be made to sectional legislation. The House of Assembly had been doing little else for the last fifteen years, than passing bills which carried out the system of sectional legislation. In this matter, he was not disposed to follow his hon. friend from Lambton, notwithstanding that he admired his conduct in this House as much as that of any man in it — and this session he had admired his conduct more than he ever did before.¹⁷⁷ He [Mr. Mackenzie] did not see why we could not have a Maine Law for Upper Canada, seeing that the people demanded it. And why not let them have the law, without forcing it on the people of Lower Canada?¹⁷⁸ He was elected to get a prohibitory law for Upper Canada; but this law was really nothing new, it only was another way of regulating the use of liquor; if we drink three times as much liquor as the people of Lower Canada¹⁷⁹, if we have ten whiskey stills in Upper Canada to one in Lower Canada, why can we not have a remedy for drunkenness here, without forcing the same law on Lower Canada? Two-thirds of the members for Lower Canada did not desire the law applied to their section of the Province, and we should not force it on them.¹⁸⁰ It was certainly right that Upper Canada should be allowed to diminish the evils of intemperance, if that was possible by a local measure.¹⁸¹ Our papers were teeming with accounts of the horrible results of the over-use of intoxicating drinks. He went on to contend that a great part of our legislation was sectional — that it must be so and ought not to be otherwise.¹⁸² Every day we have to pass laws to suit different places and circumstances. If the law was not found to work well it could be remodelled or repealed; as it might be looked on as an experiment. It was indeed a good thing to try to prohibit the sale of intoxicating liquors, which has been the cause of all that has been horrible and bad in the world. The French population are more moderate than the inhabitants of our Province — at least they are more moderate than Scotchmen. Why then should we keep back for a quibble the law from Upper Canada; or why apply it to Lower Canada. In conclusion, he hoped that the hon. member for Lambton ... would change his opinion as to applying the law to Lower Canada.¹⁸³

MR. BOWES said that when the measure was last introduced only five or six members voted for it. The reason has been given by the hon. member for Montreal, who stated that the quantity of liquor consumed in Upper Canada had been greater than in Lower Canada. Now, in contradiction to that, he (Mr. Bowes) would state,¹⁸⁴ that if Upper Canada imported and manufactured most whisky, Lower Canada imported very much more brandy, rum, and other liquors.¹⁸⁵ In Montreal 84,242 gallons of spirituous liquor were consumed in the year; while in Toronto, the quantity was only somewhat over 17,000 gallons. To look at the single article of rum — 3,000 gallons of it were consumed in Toronto to 34,000 gallons in Montreal. Those hon. members who advocate the application of the law, know the fate of the Maine law on their very borders in Lower Canada; and will not have the law put into force in Lower Canada, because of this failure. And when the principle of the law will not apply to Lower Canada, why will hon. gentlemen force it upon Upper Canada? He (Mr. Bowes) denied that the law could be carried out in Upper Canada, any more than it could be in the United States; and to put such a law upon our statute book was to do a thing that was wrong in principle.¹⁸⁶ He would go as far as any one in the spirit of the measures to suppress intemperance. But¹⁸⁷ the very law that was sought to be established would have the effect in this country, as it has in the United States, of increasing drunkenness among us¹⁸⁸, just as some years ago a law for the suppression of a certain society raised up friends, swelled its ranks and st[r]engthened it.¹⁸⁹ One hon. gentleman gave, as his reason for voting for the bill, that Toronto was the most intemperate city in the Province, and that he had met a great number of drunken men in the streets. But that hon. gentleman must not have walked through the same streets that he (Mr. Bowes) did, as he had seen nothing of the kind.¹⁹⁰ Unless, indeed, it had sprung up here within the last seven weeks.¹⁹¹ He (Mr. B.) was prepared to vote for a law that would effectually punish drunkards, and also to punish the man that would sell liquor to a drunken man; he would go so far as to make him support the drunken man's family. Drunkenness was the cause of almost all the misery and poverty that existed — as he has ascertained by enquiry of those who daily come to him for charity; but it was not to be met by this law, which could not be carried out in this country, no more than it was in the United States.¹⁹²

MR. PATRICK said that if the hon. member's argument amounted to anything, it should lead him to vote against all laws against immorality. Would he vote against laws for Sabbath observance, as so many violated that day? Would he not support the laws against gambling, lotteries, &c., because so many were addicted to those vices? To act on such a principle was absurd. It would prevent any legislation, because men were hardy and wicked enough to break the laws. This was perfectly absurd. When opposition was first made to legislate for Upper Canada alone, he was prepared to oppose it, because he objected to sectional legislation.¹⁹³ [He] would have much preferred that the law should apply to the whole Province. But so many from Lower Canada were opposed to it that he did not wish to force it upon them, and perhaps the evidence of its good working in Upper Canada would have a salutary effect in ripening public opinion for it in Lower Canada. If they could not get the whole loaf just now, they should take what was practicable.¹⁹⁴ It was a mere experiment; but he was sure that it would prove successful.¹⁹⁵ He had felt indignant when [he] saw the manner in which the [sic] petitions in favor of this law had been received by some honorable members, as if they deserved no consideration [sic]. They were principally signed by respectable farmers — the wealth and pride of the country — its bone and sinew. But not altogether by them. The people of the [sic] towns, too, exposed to greater temptations, prayed to be delivered from them. He hoped the [sic] motion of the hon. member for North York would prevail.¹⁹⁶

MR. LYON thought, before they adopted that which would in effect stamp the people of Upper Canada as a people of drunkenness, they should¹⁹⁷ be satisfied that the people who were to be controlled by it, were vitiated in their minds, and debased in their understandings. Now, he did not think that the people of this country had fallen so low as that¹⁹⁸. He had heard no argument, no statement of facts which showed the necessity for such a measure, affecting the sober man and drunkard alike. While he

quite agreed with preceding speakers, that vice and crime should be repressed by law, yet he saw no reason for the belief that they needed to enact a law against the virtuous as well as the vicious, nor did he believe they had any right to do so.¹⁹⁹ As a country, we have advanced far ahead of other countries in the cause of Temperance, and we are even now progressing in the good cause; and was this a time to bring in a prohibitory law? The Temperance Societies scattered widely throughout the country, have done all that could be desired in the way of promoting temperance²⁰⁰, and the people of this country were much more moral and correct than they were ten years ago.²⁰¹ The highways were cleared of inebriates. He rejoiced at this progress [sic], and those who thus promoted the good cause would have his assistance and hearty cooperation²⁰². And when they were thus progressing so satisfactorily under moral and religious means, they should be cautious about introducing violent measures.²⁰³ He could not support such a law. It was predicated on the opinion that one set of men knew better than another what was good for them — that total abstinence men should be set up to judge and limit the rights of temperate men. The partakers of spirits, if in a temporary majority, might with equal justice, pass a law enjoining the use of liquors on the total abstinence men.²⁰⁴ He would say that the House had no right to dictate to any man what he should drink; it should not assume the authority of judging what was best for any man to partake of, and what he was to refrain from. Every man should judge for himself in such matters. If the voice of the country could be heard on this subject, he was sure that it would coincide with what he had stated.²⁰⁵ Members said that the country wanted the law; and because petitions were pushed in here in such numbers, signed largely by women and children, it was held they were bound to bow to such an expression of public opinion. He thought not. These petitioners were not the best judges. He did not wish to deprecate their good motives, or their influence; but²⁰⁶ he did not think they were the persons so much accustomed to reflect, and so well acquainted with constitutional principles, as to be the parties fitted to guide this Legislature.²⁰⁷ They saw the benefits of temperance, and admired it, and they applauded and clamoured for anything which they were told, or which seemed to them likely to destroy the former, and introduce and build up the latter.²⁰⁸ If the House passed this law, it might with equal justice pass a law to regulate what articles of food a man might partake of; and the rich man might be told that he should use only such articles of food as the House thought fit for him.²⁰⁹ The poor might legislate against the rich man's expenditure of his money in luxuries, or the rich man regulate the deportment of the poor man according to his ideas of propriety.²¹⁰ Besides the fact that the law was pronounced unconstitutional by the most learned lawyers in the United States; the way in which the law worked in those States proved that it could never be carried out — its fate was sealed. Even the official reports from Maine, stated that the prohibitory law was useless.²¹¹ What was ... [its] effect? Illicit manufacture and its many attendant crimes.... Men refused to obey, they evaded the law.²¹² Its introduction in fact, only tends to weaken existing laws in the eyes of the multitude, as it teaches men to disobey the law in this respect, and they go on, and in the end fear no law.²¹³ He repeated that he admired the labours of the temperance societies. He would be glad to cheer them on by his feeble efforts. It was thus he hoped to see temperance become general. It was thus a great improvement had been effected during the last ten years. We should not force morality by legislation. Let morality be inculcated for the reading desk, the pulpit, and the altar. Let men be led to adopt its principles of their own will. Do not attempt to compel their adoption; it will produce the opposite effect. Do not inculcate a morality which sets up standards, not recognized by Scripture, forbidding that which Scripture has not forbidden. Make drunkenness a crime and punish that if you will. It ought to be so. But do not punish those who are not the victims of intemperance. With respect to Sabbath-breaking, punish that if you will; but do not compel all to observe it with a like strictness, and so punish the whole community. Crime — real crime — existed in every shape around them. But if they punish him or his friend for having a basket of champagne in his house, the criminal callender [sic] would be lengthened to a most inconvenient extent. The Attorney-General of New York had recently said that the carrying out of the prohibitory law there would entail more expense than the whole of the administration without it. He was a friend of temperance, and advocated temperance; and because he was so he could not

vote for any extreme or tyrannical measure which would raise up enemies instead of friends to the cause, and retard instead of promoting its progress.²¹⁴ In 1685, and before it, there were laws in Scotland to promote temperance, and there it was decreed that those who got drunk and haunted taverns, except in travelling and at meal-times, should be fined and imprisoned. That was the right course, and he hoped we would take a lesson from the wisdom of our ancestors.²¹⁵

MR. CHAPAIS expressed himself in favour of a prohibitory law for the whole province, and, notwithstanding the vote in this house, said he was satisfied that the great mass of the people of Lower Canada desired it.²¹⁶ The Municipal councils had pushed repression to the extremest point allowed by the statute, and would be glad to prohibit the sale of liquor altogether if they had the power. He had been informed that the law was working well in New Brunswick.²¹⁷

MR. DEWITT. — Sir: When we see our table groaning under the weight of Petitions for the passing of a Prohibitory Liquor Law, our attention is called to the evils which such a ... measure would prevent.

Sir: If we look at the immense quantity of grain which is destroyed in manufacturing intoxicating drinks; if it were thrown into the lake and the St. Lawrence, it would be considered an immense waste but that would be little compared to the losses we sustain in its being converted into strong drink.

Think of the loss of life; intoxication fills our Penitentiary, our Jails, our Insane Asylums, producing misery, pauperism, crime, and the expense of criminal courts, the attendance of Jurymen and Witnesses.

Why should we all be taxed in money and time, that the dealers in Intoxicating Liquor may enrich themselves, by the sacrifice of many of the best Interests of Society.

Suppose the grain destroyed in the manufacturing of intoxicating drinks were employed in fattening Beef, Pork, and Poultry, how much our market would be benefitted, our exports increased, and our whole country's wealth augmented [sic]!

I have no confidence in Licenses, which have so long been tried without success. Sir: how can we legalize a traffic so fruitful with crime, or authorize a business which induces so many evils which we pass laws to punish? Shall we set at naught the great principle that prevention is better than cure, or punishment?

What can you give a man to indemnify him for discontinuing a business, that has been the cause of so many injuries to People, some of whom have determined to abandon that business without any pay?

If I could be the means of doing away with the traffic in intoxicating drinks, in only one county, in Upper or Lower Canada, I would get up at midnight, in the coldest night I ever saw, to do it.²¹⁸ He wished the law for the whole Province, but if that was impracticable, he would pass it for Upper Canada. Hon. gentlemen opposed the law in the name of liberty. Pity it was that the name of liberty should be so desecrated.²¹⁹ All agree that drunkards should be punished, but I ask, why interfere with his liberty after he has taken 4 or 6 glasses? it will be much more difficult for him to stop then, than before he has drank the first glass.

What right have you to prevent his liberty in lying down in the soft mud in the ditch, or of sleeping with the hogs, if he prefers it?

It has been said, O! Liberty, what crimes have been committed in thy name! I know of a Society in Montreal where temperance was nearly universal among them, which in the year 1832 contained 1000 souls. During the time when that dreadful pestilence the Cholera prevailed there it carried to their graves one-tenth of the Citizens while this congregation of temperate men lost only five, so that while the citizens generally lost one out of ten, this society lost only one in two hundred.

The last time that city was visited by that dreadful pestilence, three years since, they lost 1058, or about one in every sixty; the society I have referred to had increased to 1500. They lost but five, or one

in three hundred. Does not this prove that temperance tends to prevent the ravages of the Cholera, and that the use of intoxicating drinks, predisposes the human system to take the disease?

Again, as to the society referred to, containing from 1000 to 1500, during the space of thirty four years not one of the congregation has been convicted by a criminal court. Does not these facts prove the benefit of Temperance, and call this House to enact a prohibitory Liquor Law?

'Tis said we cannot enforce such a Law; let us try: all our laws are sometimes violated, but that does not prove them to be bad, nor ought they to be repealed.

Statistics abundantly show that three-fourths of all the murders and other crimes are caused by the use of strong drink. Let us try to stop one half of them.

Fire is a destroying element; we have seen cities laid in ashes, and cottages destroyed by fire; but sir, the fire ceases when there are no cities, or buildings, or fuel to burn, there is a limit to the destroying fire: Again: the cities and desolations can be rebuilt and restored.

Now, sir, how altered the case, with the use of intoxicating drink! You cannot restore to the widows their husbands nor to the orphans their fathers; you cannot restore the desolation, nor prevent the degradation; you cannot prevent the iniquities of the fathers being visited upon their children to the third and fourth generation. You cannot save the drunkard's soul from the abyss of eternal woe; you cannot limit the consequences; they are durable as ETERNITY.

In view, Sir, of all the consequences resulting from the use of the intoxicating cup, I call upon all the members of this house, I demand them, as they would clear their skirts of the blood of others, as they would stand approved at the bar of the great Judge, when the secrets of all hearts shall be laid open, to join with me and perform their whole duty, thus saving the drunkard, who is hurrying to his eternal doom.²²⁰

MR. TERRILL said he had been led into an error which he wished to correct. He had supposed that the amendment had for its object the substitution of a more stringent Prohibitory Liquor Law, and that the words introduced had been for that purpose. To correct the matter and to place it in a right position he would move ... that the words "of Upper Canada" be struck out of the main motion²²¹, so that the main motion would apply to all the Province. How, if it were limited to Upper Canada, would the funds be raised for the indemnity of municipalities, &c.? — Would the consolidated revenue have to bear it, or would it be raised in Upper Canada only? He saw here a great difficulty, which should be avoided if possible.²²² If the House would agree to this [amendment] there would be no need to go into committee of the whole. But we can then go into that committee to discuss the principles which should regulate the sale of liquors. He believed that the House had declared against the motion.²²³

MR. SICOTTE the SPEAKER said that the motion in amendment should be disposed of before another amendment could be made upon the main motion. The question before the chair is the amendment.²²⁴

MR. JACKSON was reluctant to occupy the attention of the House on this subject, and would merely make a few remarks. His hon. friend, the member for Stanstead, had raised a view of this question, which he thought was worthy of the most serious consideration. The divine and the moralist might view this question of the suppression of intemperance, from one point; but the Legislature should view it from another. His hon. friend from Stanstead, in referring to a point which would certainly be raised on this question — that of compensation — remarked that if a prohibitory law were confined to Upper Canada, it would be ineffective and entail an enormous outlay on the country which would be productive of no beneficial results. The passing of such a law as this, was, he thought, deserving of the most serious consideration of that House. It might very reasonably be asked, whether, in the event of passing a prohibitory law for Upper Canada, and subsequently indemnifying those parties who were now legally dealing in this traffic for the loss they would thereby sustain — it might be very reasonably asked, whether, in that case, the collecting of the money necessary to indemnify those parties, would not

create such an amount of animosity and ill-feeling as would counterbalance the good effects of the enactment. He was not then going to give any opinion as to whether the parties engaged in the traffic were entitled to any compensation. But he took it for granted that if a person had been induced to embark in a perfectly legal business and to invest his capital therein, that an Act repealing that Act were subsequently passed — and that that person thereby sustained a loss — he (Mr. Jackson) thought it was perfectly clear that that person ought to receive some compensation. If they got rid of the traffic and all its consequence, then he would say that no matter how large a sum they had to pay for that riddance, it would be, in the long run, a saving to the country. — And the larger the amount of compensation they would have to pay as compensation, the greater would be the evidence of the magnitude of the evil they had escaped from. In all their legislation, hon. gentlemen should bear in mind that if injury were inflicted on any parties, they should be compensated. His own views were decidedly in favor of a Prohibitory Liquor Law. He believed that License Laws were based on false principles. When this traffic was first commenced they might have seemed effectual and proper enough. But such a flood of light now surrounded the subject, that he believed it perfectly clear that all license laws were based on immorality. The traffic itself was most disreputable and immoral. The hon. gentleman then expressed his intention of voting in favor of a prohibitory law; but said he could not justify himself in voting for a sectional law. He would maintain that the law ought to be made applicable to all Canada. If Lower Cannada [sic] was exempted from its operation he felt certain that Upper Canada would feel [sic] aggrieved.²²⁵ It would meet with very strong resistance²²⁶, and effect between Upper and Lower Canada evils which were not compensated by the good to be obtained.²²⁷ He believed, too, that the tendency of such a law would be to damage Lower Canada, and act as an incentive to contraband traffic. To pass a Prohibitory Law for Upper Canada would infallibly lead to an expense which would not, he thought, be at all commensurate with the objects sought. It was not because they had passed sectional laws previously that they should do so now. On these grounds he would object to the motion. He had considered the matter deliberately and maturely, and felt that he should be obliged to vote against a Prohibitory Law for Upper Canada only. But most gladly would he vote for its enactment for the whole Province.²²⁸

MR. LORANGER, referring to the notice, enquired if the law only referred to Upper Canada.²²⁹

MR. HARTMAN explained the discrepancy [sic] arising in the notice [sic] which in the written one contained the words Upper Canada, but by an error of the printer they had been omitted.²³⁰

MR. J. SMITH (Victoria), in reference to the indemnity argument of the member for Stanstead,²³¹ that Lower Canada would have to join in the indemnification,²³² said there was at least a precedent for what that hon. gentleman condemned, in the Seigniorial Act of last session, which provided for a certain amount of money being raised from the Lower section of the Province.²³³ It was his firm conviction that their Lower Canadian friends would not object to bear their share of the amount to be paid to those parties engaged in the manufacture, and who may be injured by the passing of the Law.²³⁴

MR. O. FORTIER (Bell[e]chasse) at one time formed the idea that a Prohibitory Liquor Law was wanted by the people of this Province²³⁵ [OR] he had opposed it last session, because he believed the people didn't [sic] want it.²³⁶ It could not be carried out fairly, and such had been his convictions from the first. Subsequently he had travelled through the United States, and from Maine up through the other States. He had become convinced that the Prohibitory Liquor Law was a perfect humbug, and it would be the same in Canada if it passed.²³⁷ Although some hon. gentlemen said that a majority of the people of Upper Canada were in favour of the Law, he was not prepared to believe it. For if that were the case, the municipalities, who had the power in their own hands, would not grant so many licenses as they did.²³⁸

MR. POST. GEN. SPENCE was sorry the member for North York did not leave out the words Upper Canada in his motion, so as to allow it to apply to the whole Province.²³⁹ For very many years, he (Mr. Spence) was among those who believe[d] that the prevention of intemperance could only be accomplished by the enactment of a Prohibitory Liquor Law. That opinion was the result of witnessing the operation of a License Law in Canada — and the fearful effects of intemperance which that License Law had failed in suppressing. To enum[e]rate those results was now unnecessary, and would be only telling a thrice told tale. It was sufficient to know that even during the present session, the attention of the Legislature had been more directed to this subject, than, probably, during the aggregate deliberations of Parliament for the last eight years. It was now high time to enact a Prohibitory Liquor Law in the Province. There had, he thought, been temporizing enough with this matter. License Laws and Stringent Laws of every description, for the suppression of tippling houses, had been enacted; but all had failed. And at the present moment, the Townships and County Municipalities were empowered to prohibit the sale of intoxicating liquors in their Municipalities; but the law remained inoperative²⁴⁰ for want of uniformity.²⁴¹ The hon. gentleman then explained that his object in rising was not to prolong the debate, but to state distinctly his own views on the subject of a Prohibitory Law. He would do his utmost to procure a prohibitory law for the whole of Canada; and, failing in that, he would vote for its enactment in Upper Canada. He would much regret having to pursue the latter course; but would feel it his duty to do so, under the circumstance. Even if he could get a prohibitory law for a single Municipality, or two or three Municipalities, he would vote for it. If he could get it for but a single County, he would vote for it; for he felt that the time had gone by for temporizing with intemperance. Prohibitory law was the only radical cure for the evil. He would exceedingly regret any sectional legislation on this subject. Still, however, he felt convinced that there were strong grounds existing in Upper Canada for the enactment of such a law, which did not exist in Lower Canada. In the Lower Province, intemperance does not prevail to the same extent as in Upper Canada. In Lower Canada, he had seen a parish, in which no spirituous liquors could be obtained; and he had also seen a village of some 400 inhabitants, where spirituous liquors were equally unobtainable. But although there are such happy spots in Lower Canada, still there were of course many places — populous towns and large cities — where a prohibitory law was needed. And he sincerely hoped they would enact a Provincial Law, which should be applicable to the whole Province. But failing to obtain that law, he hoped to see it enacted in Upper Canada.²⁴² He would again urge the hon. member for North York to expunge the words “of Upper Canada,” so that they might again test the question for the whole Province.²⁴³ If the main motion would not carry, then he was willing to support him in any motion for the suppression of intemperance. He would vote for anything to abate the evils of intemperance in the country. He had seen that vice in all its horrid aspects, and knew that it was the scourge of the country.²⁴⁴ He believed it was the great question of Canada. Some spoke about the School question, some about Representation by Population, and some about other things, but the great question of Canada was the Prohibitory Liquor Law.²⁴⁵ In Upper Canada, that question was agitated throughout the length and breadth of the land. And he would maintain that the enactment of a prohibitory law was the only means of saving the people of this Province — more especially the youth — from the vice of intemperance — a curse which was taxing our people, and prevalent throughout the whole of society in Upper Canada. Anything that would abate this great evil, he would be glad to have a share in putting his hands to. In conclusion, the hon. gentleman again expressed a hope that the member for North York would ... let the sense of the House be tested on the question of applying the law to the whole Province. Should that motion fail, then he would support that hon. gentleman in endeavoring to obtain a prohibitory law for Upper Canada; and failing to obtain that, he would vote for its enactment in a single county.²⁴⁶

MR. HARTMAN explained that they would gladly adopt the course proposed, but feared it would be held out of order, it was only for that reason that he did not leave out the words “Upper Canada.”²⁴⁷

[He] reminded the Postmaster General that what he desired, the application of the law to the whole Province, had already been moved by the member for Arthabaska, and had been ruled out of order by the Speaker.²⁴⁸

MR. AT. GEN. DRUMMOND would wish to make a few remarks with reference to sectional legislation, as it appeared in this question. There was a certain species of sectional legislation in the Province, which was inevitable. It was that which related to the laws which govern real property — the organization of our courts — and the tenure of property.²⁴⁹ And so long as there remained so distinct a difference between our civil laws and the laws relating to the tenure of property, so long would sectional legislation in those matters be absolutely necessary.²⁵⁰ But we have never had sectional legislation except in those cases. Up to the present moment, the criminal laws of Upper Canada have always been the same as those of the Lower Province; and if they made an exception in the matter of a Prohibitory Liquor Law, it would be a most serious and alarming deviation from their course. Most assuredly the Prohibitory Law was a highly penal law; and if it is to be imposed on Upper Canada, it might also be imposed on Lower Canada. If this law were imposed on Upper Canada, hon. gentlemen ought to know, that, as a matter of course, it would be imposed on Lower Canada.²⁵¹ But if the representatives of Lower Canada believed that it should not be imposed on the people of Lower Canada, let them not impose it on the people of Upper Canada.²⁵² This was the first time such sectional legislation was ever attempted, and he trusted the House would vote it down, if it were only for the principle it involved. But there were, he felt convinced, some hon. gentlemen in favor of a Maine Liquor Law, who would do justice to those who opposed such a measure, of whom he was one.²⁵³ The opponents of the Maine Law were just as heartily convinced of the evils of intemperance as its friends, just as desirous to remedy their terrible evils; but they could not agree to adopt means which they thought improper.²⁵⁴ Was not the hon. member for Bellechasse, as sincere in this question as the hon. member for Ramouraska [sic]? And yet his hon. friend from Bellechasse, could not commit himself to the species of legislation now proposed; whereas his hon. friend from Ramoursaska [sic] did. So it was with other hon. gentlemen. There could, he thought, be no law enacted which would be too stringent, in order to prevent the sale of liquors in tippling-houses and gin-shops — allowing it to be sold only in places kept open solely for the reception of travellers. He would go for such a stringent license law, which should not only punish the drunkard but deprive him of his property, and also punish those parties retailing the liquor, with the exception of those whose houses were for the entertainment of travellers. Such a law would, he thought, bring about the desired result. The most ardent advocates of a Prohibitory Law were obliged to admit, that it was merely experimental. But, he would ask, why should this experiment which had so signally failed in the States be now tried in Canada. Why should the people of this province be compelled to pay half a million of money for the indemnification of those parties now engaged in the traffic, when the law would infallibly be found a failure in a few years — and, as had been the case in the States, those parties would open their houses again shortly afterwards. It would, too, be a strange anomaly to pass a law the breach of which would be declared highly criminal in Upper Canada, and yet sanctioned in Lower Canada. The hon. gentleman concluded by stating that, he did not intend to go at length into the merits of a Prohibitory Law. His principal object in rising, was to put hon. members on their guard against the danger of such sectional legislation as this.²⁵⁵

MR. SOL. GEN. H. SMITH raised a point of order. He wished to know, before voting for the amendment whether when it were incorporated into the original motion it would make it out of order.²⁵⁶ The proposition of the member for North York was a distinct proposition, which had not been decided on this Session, whether the principle of Mr. Christie's amendment had been so decided or not. But he wished to put the point of order, whether, if the amendment was lost, it would be in order to put the original motion of the member for York, without the words "of Upper Canada."²⁵⁷

MR. SICOTTE the SPEAKER said the motion, even if the words "of Upper Canada" were left out, would be perfectly in order. But he had his own doubts whether the amendment of the member for Brant was in order.²⁵⁸

MR. GALT desired the Speaker to state whether the amendment was in order.²⁵⁹

MR. SICOTTE the SPEAKER said that in the motion now before the house, the phraseology was different from that which had been formerly used, the word "manufacture" being used as well as "traffic." If the words "of Upper Canada" therefore were struck out, it would still be in order. As to the amendment which proposed to add "by prohibiting the traffic in intoxicating liquors as a beverage," he had doubts whether that was not the same question as had already been negatived. He left the matter to the house, and would state his opinion on it, if desired.²⁶⁰

MR. BROWN wished to know, whether if the member for Brant's amendment prevailed, the words "of Upper Canada" might not then be struck out. If that were the understanding, he should vote for his hon. friend's amendment.²⁶¹

MR. GALT thought the question should in the first place be decided, whether the house having decided against the application of the law to the whole Province, had not also decided against its application to any part of it. If not good for the whole, it could not be good for a part.²⁶²

MR. CAMERON agreed with the view taken by the hon. member for Sherbrooke (Mr. Galt), and pressed for a decision on the point whether Mr. Christie's amendment was in order.²⁶³ [He] further contended that though the manufacture was included with the traffic in the prohibition now proposed yet the fact that the latter was in the motion made it come within the rule which prevented the House entertaining a question already once decided.²⁶⁴

MR. SICOTTE the SPEAKER then ruled that it was out of order.²⁶⁵

MR. TERRILL then moved in amendment to the main motion, that the words "of Upper Canada" be struck out.²⁶⁶

After seme [sic] discussion, the House divided on Mr. Terrill's amendment²⁶⁷.

(237)

Mr. *Terrill* moved in amendment to the Question, seconded by Mr. *Somerville*, That the words "of Upper Canada" be left out;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Alleyn, Bell, Biggar, Bourassa, Bowes, Brodeur, Brown, Burton, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Christie, Clarke, Conger, Cooke, Cook, Crawford, Crysler, Daly, Charles Daoust, Jean B. Daoust, Darche, Delong, DeWitt, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Evanturel, Felton, Fergusson, Ferrie, Foley, Thomas Fortier, Octave C. Fortier, Frazer, Freeman, Galt, Gill, Gould, Guévremont, Hartman, Holton, Jackson, Jobin, Labelle, Laberge, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Lyon, Macbeth, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, Mackenzie, McCann, Marchildon, Masson, Mattice, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Munro, Murney, Niles, Papin, Patrick, Polette, Poulin, Prévost, Price, Rankin, Rhodes, Robinson, Roblin, Rolph, Solicitor General Ross, Sanborn, Shaw, Solicitor General Smith, Somerville, Southwick, Spence, Stevenson, Taché, Terrill, Thibaudeau, Turcotte, Wilson, and Young.* — (101.)

(238)

NAYS.

Messieurs *Church, Dufresne, Matheson, Pouliot, Scatcherd, and Wright*. — (6.)
So it was resolved in the Affirmative.

Upon the question for the main motion,²⁶⁸

MR. LYON stated that it met his views better than [sic] the amendment of the member for Brant, and he intended [sic] to vote for it.²⁶⁹

MR. A. DORION (Montreal) raised the point of order, whether the motion was not now the same as that which he had himself on a former occasion submitted to the House, and which had been carried.²⁷⁰

MR. SICOTTE the SPEAKER said that the previous motion had reference to a modification of the License Laws. This went beyond that, referring also to the laws regulating²⁷¹ the manufacture of spirituous liquors; but the motion now before the House as amended, merely referred the whole of the laws for the regulation of the manufacture and traffic in intoxicating liquors to a committee, and ... the motion was strictly in order.²⁷²

MR. CAMERON ... wished to ask the question what laws for regulating the manufacture of spirituous liquors the motion had reference to? He was not aware of any such law being in existence. There was a law to regulate the license and selling of spirituous liquors, but he never heard of one to regulate its manufacture, and should be glad to be informed as to what law the motion had reference.²⁷³ [He thought] the motion was out of order.²⁷⁴

MR. POULIOT spoke in favour of the law.²⁷⁵

MR. HARTMAN replied that the member for Russell had commended highly the operations of the temperance societies and the success attending them. Mr. Hartman quoted from the trade returns to show that the importation of liquors had nearly doubled in five years. This was the progress they had made — their increase in sobriety. If any one would point out how a prohibitory liquor law could be framed now which would not be ruled out of order he would be glad to go on. Otherwise he desired to withdraw his motion.²⁷⁶

Leave to withdraw being refused,²⁷⁷ the main motion, as amended, was then put to the House and was carried.²⁷⁸

(238)

Then the main Question, so amended, being put, That this House will immediately resolve itself into a Committee to consider the Laws regulating the manufacture of, and the traffic in, Intoxicating Liquors, with a view to devise more efficient means for the suppression of Intemperance; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bell, Biggar, Bourassa, Bowes, Brown, Chapais, Chisholm, Christie, Church, Conger, Cooke, Cook, Crawford, Daly, Darche, Delong, DeWitt, Dionne, Jean B.E. Dorion, Dostaler, Felton, Frazer, Freeman, Gould, Hartman, Holton, Jackson, Jobin, Lyon, Macbeth, John S. Macdonald, Roderick McDonald, Mackenzie, McCann, Matheson, Meagher, Munro, Niles, Patrick, Poulin, Prévost, Rankin, Robinson, Roblin, Rolph, Sanborn, Scatcherd, Shaw, Solicitor General Smith, Somerville, Southwick, Spence, Stevenson, Taché, Terrill, Wilson, and Young*. — (58.)

NAYS.

Messieurs *Alley, Brodeur, Burton, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Clarke, Cryslar, Charles Daoust, Jean B. Daoust, Antoine A. Dorion, Attorney General Drummond,*

Dufresne, Evanturel, Fergusson, Ferrie, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Galt, Gill, Gutvremont, Labelle, Laberge, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Attorney General Macdonald, Marchildon, Masson, Mattice, Mongenais, Joseph C. Morrison, Angus Morrison, Murney, Papin, Polette, Pouliot, Price, Rhodes, Solicitor General Ross, Thibaudeau, Turcotte, Whitney, and Young. — (51.)

So it was resolved in the Affirmative.

The House accordingly resolved itself into the said Committee;

MR. TERRILL ... [took] the chair.²⁷⁹

MR. LARWILL moved "that the committee do now rise."²⁸⁰

MR. HARTMAN said if hon. gentlemen would but hear him, he promised that he would not give them a long speech. He wished to move, that it be resolved to prohibit the sale or the manufacture of spirituous liquors, such prohi[bi]tion to take place on the 1st January, 1858.²⁸¹

MR. TERRILL said Mr. Larwill's motion must be first put, unless he would consent to withdraw it.²⁸²

MR. LARWILL. — No, no.²⁸³

MR. HOLTON, in amendment to the latter, moved that it be not put, after considerable confusion and cries of lost, carried, order.²⁸⁴

Mr. Larwill's motion was then put and lost.²⁸⁵

MR. HARTMAN moved — "That it is expedient to prohibit the importation, manufacture, and sale of intoxicating liquors as a beverage — such prohibition to take effect from the 1st January, 1858."²⁸⁶

MR. GALT objected that the motion was not in order, having already been decided upon.²⁸⁷

MR. SICOTTE the SPEAKER, having taken the chair, decided that the objection was a valid one.²⁸⁸

The Committee having been again formed,²⁸⁹

Mr. Hartman's motion ... was ruled out of order.²⁹⁰

MR. FELTON moved, "That it is expedient to enact further and more stringent regulations respecting the sale of spirituous and intoxicating liquors, and to define more accurately the offences against temperance."²⁹¹

MR. SANBORN wished to ask the question, if this motion was not out of order, being similar to one moved by the hon. member, in opposition to Mr. Dorion's resolution, and which was lost.²⁹²

MR. SICOTTE the SPEAKER, having again taken the chair, said that, before he left the chair, he decided that the two questions were not the same. The motion was perfectly in order.²⁹³

The committee being again formed,²⁹⁴

MR. LARWILL moved that the committee do now rise.²⁹⁵

MR. AT. GEN. DRUMMOND hoped the hon. gentleman from Kent would withdraw his motion.²⁹⁶

MR. SANBORN hoped he would not, so that the committee might not be placed in the absurd position of reporting resolutions which had been negatived in connection with the resolutions of the hon. member for Montreal. The motion of his hon. friend from York, in favour of a Prohibitory Law, having been ruled out of order, the object for which the committee had been formed was defeated, and there was nothing better that they could do than rise.²⁹⁷

MESSRS. LORANGER and CHAPPAIS ... offered some remarks²⁹⁸.

The motion was carried by 47 to 27, and the committee accordingly rose²⁹⁹ without reporting.³⁰⁰

(238)

and after some time spent therein, Mr. Speaker resumed the Chair.

The Honorable Mr. *Cameron*, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of *Argenteuil*, informed the House, That the Committee had determined,

That *Sydney Bellingham*, Esquire, is not duly elected a Member to serve in this present Parliament, for the County of *Argenteuil*.

That the last Election for the said County is a void Election.

That the Petition of *Lemuel Cushing* is not frivolous or vexatious.

That the Defence of the Sitting Member is not frivolous or vexatious.

(239)

And the said Determinations were ordered to be entered in the Journals of this House.

The Honorable Mr. *Cameron* further informed the House, That the following Questions were proposed in Committee, and decided upon divisions: —

That the Election Act 18 *Vic.* cap. 7, was in force during the said Election;

YEAS, Messieurs *Ferres*, *Brodeur*, and *Cameron*.

NAYS, Messieurs *Jackson* and *Wright*.

So it was resolved in the Affirmative.

That a new Warrant shall issue to the Commissioner appointed to take Evidence in this matter, to enable the Sitting Member to offer evidence to rebut the acts of violence and intimidation charged against his friends or partizans, at the said Election, with the power to the Commissioner to examine witnesses to sustain his allegations on the same points;

YEAS, Messieurs *Ferres* and *Cameron*.

NAYS, Messieurs *Brodeur*, *Jackson*, and *Wright*.

So it passed in the Negative.

That there is no bribery nor corruption established against the Sitting Member;

YEAS, Messieurs *Ferres*, *Wright*, *Jackson*, and *Cameron*.

NAY, Mr. *Brodeur*.

So it was resolved in the Affirmative.

That the Election is void, in consequence of acts of violence and intimidation committed by the friends and partizans of the Sitting Member;

YEAS, Messieurs *Brodeur*, *Ferres*, *Jackson*, and *Wright*.

NAY, Mr. *Cameron*.

So it was resolved in the Affirmative.

The Honorable Mr. *Cameron* moved, seconded by Mr. *Jackson*, and the Question being proposed, That Mr. Speaker do issue [a] Warrant to the Clerk of the Crown in Chancery to make out a new Writ for the Election of a Member to serve in the present Provincial Parliament for the County of *Argenteuil*, in the room of *Sydney Bellingham*, Esquire, whose Election has been declared void;

MR. LYON supposed that [sic] the Committee had not reported all their resolutions to the House³⁰¹. Judging from the nature of the petition, [he] would have supposed that the committee would have informed that House of the reasons [sic] upon which they had come to the conclusion now reported. The petition charged the sitting member with grave offences³⁰² of violence and intimidation,³⁰³ which if proved, would not only unseat him, but would subject him to the disability of not being again eligible, and would also disfranchise [sic] the county.³⁰⁴

MR. CAMERON. — The committee decided upon all the resolutions which had been submitted to them — and he (Mr. C.) had read to that House as much as was usual to read on such occasions, as the statute made and provided only required that they should give in their final decision.³⁰⁵

MR. LYON was of opinion the House ought to be informed of the charges which had been made before the committee, for if those allegations were true — ³⁰⁶

MR. SICOTTE the SPEAKER. — The question before the House was not as to the receiving of the report, but the adoption of the motion founded thereupon for the issuing of a writ for a new election. A question of approval or disapproval of the course taken by the committee could not be entertained.³⁰⁷

MR. J.S. MACDONALD thought the better course for the honorable gentleman to take would be to move that the speaker do not issue his warrant.³⁰⁸

MR. LYON was agreed to that course, as he had no wish to censure the committee — nor did he for a moment impugn their motives for the course they had taken. But, considering that the gentleman had twice represented the county, and that he had twice been unseated upon petition charging intimidation and corruption, he was of opinion that it ought to be for the consideration of this House, which, or if either of these charges are true³⁰⁹. And if there were proof of the gross violence of which the county was accused, or if there were proof of the allegations against the sitting member of participation in that violence,³¹⁰ and if the peaceable electors had been so intimidated, and had in consequence been prevented returning the man of their choice, it would be the duty of the House to take such steps as would prevent a recurrence of such disgraceful proceedings. Under these circumstances he trusted that the House would postpone the consideration of the question for a month so as those charges may be fully looked into — at any rate a fortnight would be the least time that could be granted, and in England such was the practice before the issuing of a writ, and it resulted in the disfranchisement of the counties or cities where such practices had been carried out; and as the committee had not furnished the grounds upon which they had founded their report, he trusted that the House would agree to a postponement till the 14th of April.³¹¹

MR. A. DORION. — Admitting that very serious charges had been made against the sitting member, it was also a very serious matter to postpone the issuing of a Writ to replace the displaced member. And agreeing with the member for Russell that the charges upon petition and upon which the sitting member had been unseated, were ample to disfranchise the County, with the present and past charge of violence, and that this House ought at once to take action so as to punish the guilty parties or to at once disfranchise the County — stil[l], a fortnight's delay would be too long.³¹²

DR. MASSON said that it is pretty generally known that he has an interest in the County of Argenteu[i] as an elector, in consequence of his having property there; and as an elector of that County he had to say, that it was never represented, that the returning officers had never done their duty. That fact would be very easily proved, if the report of the learned judge who presided over the commission to take evidence, were before the House. He had seen the report of that commission, and it proved that the returning officers were guilty of misconduct, that they had connived at fictitious votes being given to Mr. Bellingham. It is for that reason he should wish that the writ should not issue now. There is to be a call of the House on the 14th April, and he wished that the consideration of the motion should come on at that time. Other things had been done in that County, which were unworthy of any decent electors; there had been bribery there; there had been corruption there, and there had been violence and intimidation.³¹³

MR. SOL. GEN. H. SMITH (Frontenac) thought that it was a very dangerous thing to postpone the issue of a writ for any length of time. [However] the last words of the report say that the election was void in consequence of violence and intimidation; and on this account he thought they ought to pause before they issued a new writ. A similar instance occurred many years ago, in one of the Ridings of the County of York, then represented by Mr. George Duggan, in which the election was declared void on account of great violence and intimidation, and the House suspended the issue of a writ for several months, in order to mark their disapprobation of the proceedings. With this view he would vote with pleasure for the motion.³¹⁴

MR. J.S. MACDONALD thought the Chairman of the Committee had forgotten part of his duty, which was in cases of this kind, when there was anything extraordinary, to print the resolutions³¹⁵ before proceeding any further. He did not think they could find a precedent [sic] [f]or the course now proposed in any case in England. There was no case of suspension of a writ for violence. He did not say by any means but that a county which had exercised violence on more than one occasion might be made an exception, and that the House might take recognizance of the matter, and have the circumstance examined into. He thought that in this case there were good grounds to delay the issue of the writ, and that the House should mark its opinion of the county which had displayed such conduct at the last two elections.³¹⁶

MR. AT. GEN. DRUMMOND could not see any reason why any delay should be agreed to on this occasion, when they had really no proof before them. The delay should be merely sufficient to enable them to look into the papers, otherwise it would be prejudging the case. They were quite in the dark with regard to the facts, and a delay till Monday was all that could be necessary. By one of the resolutions it is declared that there has been no bribery. Then it says that the election is void on account of intimidation and violence. There was nothing here to guide them to such a decision as that now proposed³¹⁷ [and] to warrant the county being disfranchised.³¹⁸

MR. CAMERON. — No writ was ever suspended in England on mere acts of violence when no riot took place. He could not understand why, simply because the election was set aside, this writ should be deferred, or why they should not at once proceed on the report of the committee, that the election was set aside on the grounds of violence on the part of the sitting member, when there was no evidence that any riots had occurred. However true it may be that in cases of bribery boroughs and towns in England have been disfranchised, yet they could not find that there has been any suspension for violence when the violence did not amount to an act of riot. As to the returning officers being partisans, there can be no doubt that if the committee had felt that there had been any such conduct they would have reported them to the House; and when the committee did not feel that there was any necessity to report them, then it is not necessary to suppose that those parties would be put on their defence on any allegations made against them here, when they were not included in any of the resolutions come to by the committee. He thought it was a very grave matter to refuse to issue a writ in any way whatever in circumstances of this kind. For these reasons he did not feel inclined to refuse the writ.³¹⁹

MR. FOLEY said that as allusion had been made to the Committee of the session before last, he felt it³²⁰ but a matter of common justice to the gentleman who has been unseated to say that the first committee did not unseat him on any act of violence or intimidation. The point on which they came to a conclusion was that the polls had not been opened in all the townships. He felt it due to the gentleman to make the statement on account of the impression that appeared to prevail that the cause of the first election being declared void, was violence and intimidation, and he made this explanation the more readily, that the gentleman who had been unseated was his political opponent.³²¹

MR. LYON said he had not intended to imply that the committee had reported against the sitting member last session on the ground of violence. The committee were satisfied with deciding on one point, and probably did not go into the rest. Those were still to be inquired into.³²²

The House then divided on Mr. Lyon's amendment³²³.

(239)

Mr. *Lyon* moved, seconded by Mr. *Masson*, and the Question being put, That the further consideration of the Question be postponed until Monday the fourteenth instant; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins*, *Bell*, *Biggar*, *Bourassa*, *Brown*, *Casault*, *Cauchon*, *Cayley*, *Chapais*, *Chisholm*, *Christie*, *Church*, *Clarke*, *Conger*, *Cooke*, *Cook*, *Crawford*, *Jean B. Daoust*, *Darche*, *Delong*, *Dionne*, *Antoine A. Dorion*, *Dostaler*, *Evanturel*, *Ferrie*, *Foley*, *Thomas Fortier*, *Octave C. Fortier*, *Fournier*, *Frazer*, *Gutvremont*, *Hartman*, *Holton*, *Jobin*, *Laberge*, *LeBoutillier*, *Loranger*, *Lyon*, Attorney General *Macdonald*, *Roderick McDonald*, *Mackenzie*, *McCann*, *Masson*, *Matheson*, *Mattice*, *Meagher*, *Mongenais*, *Angus Morrison*, *Munro*, *Niles*, *Papin*, *Poulin*, *Pouliot*, *Prévost*, *Rankin*, *Roblin*, *Shaw*, Solicitor General *Smith*, *Thibaudeau*, *Turcotte*, *Whitney*, *Wright*, and *Young*. — (63.)

(240)

NAYS.

Messieurs *Bowes*, *Cameron*, *Cartier*, *Crysler*, *Daly*, *DeWitt*, *Jean B.E. Dorion*, Attorney General *Drummond*, *Felton*, *Gill*, *Larwill*, *Lemieux*, *Lumsden*, *Macbeth*, *Joseph C. Morrison*, *Murney*, *Patrick*, *Robinson*, Solicitor General *Ross*, *Somerville*, *Stevenson*, *Taché*, *Terrill*, and *Wilson*. — (24.)

So it was resolved in the Affirmative.

The Honorable Mr. *Cartier*, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General, — Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 5th March last, praying His Excellency to cause to be laid before the House, copies of all Correspondence which may have passed between the Government of *Canada* and the Imperial Government, since the ninth day of May, eighteen hundred and fifty-three, on the subject of the Clergy Reserves; and also, copies of all Correspondence which may have passed between the Government of *Canada*, or any Member thereof, and any Clergyman or Dignitary of the Churches of *England* or *Scotland*, or of the Church of *Rome*, or of the *Wesleyan* Methodist Church, or their Agents or Attorneys, since the ninth day of May, eighteen hundred and fifty-three, on the subject of the commutation of the Claims of any of the said Clergymen or Churches on the Clergy Reserve Fund.

For the said Return, see Appendix (No. 35.)

Return to an Address from the Legislative Assembly, dated 28th February last, for copies of Correspondence relating to Two hundred and fifty pounds voted in 1854 and 1855 to the Female Academy at *Chambly*.

By Command.

Secretary's Office

Toronto, 2nd April, 1856.

George E. Cartier,

Secretary.

No. 29.

Inspector General's Office,

Toronto, 31st March, 1856.

Sir, — In compliance with an Address of the Honorable Legislative Assembly of 28th ultimo, I have the honor to state that the Grant made in 1854 and 1855 to the Female Academy, *Chambly*, was paid as follows: —

The Grant of Fifty pounds voted for the above Academy in the Estimates of 1854, and One hundred and fifty pounds for their Building, was paid to *E. Parent*, Esquire, Attorney for the Reverend *P.M. Mignault*, on the 26th February, 1855, say Two hundred pounds.

The Grant of Fifty pounds voted in the Estimates of 1855, for the same Academy, was also paid to Mr. *Parent*, Attorney for the same person, on 23rd June, 1855.

I have the honor to be, Sir,

Your most obedient Servant,

Honorable Provincial Secretary,

&c., &c., &c.

William Dickinson,

Acting Deputy Inspector General.

Then, on motion of Mr. *Casault*, seconded by Mr. *Masson*,
The House adjourned.³²⁴

Appendix

[WITHDRAWN MOTION RE: CORRIGAN MURDER.]

MR. J.S. MACDONALD ... [withdrew his] motion in regard to the executive being guilty of a breach of privilege in the Duval case..., as he said his hon. friend Mr. [A.] Dorion was bringing up the subject in another form.³²⁵

Footnotes

1. *Globe*, 4 April 1856, provides a more complete description of this Bill, as follows: "Mr. Smith (Northumberland) introduced a Bill to empower the municipal council of the township of Darlington to pass a by-law, authorizing a survey to be made of the broken front concession of the township of Darlington, giving to all lots an equal width and fixing stone monuments at the front and rear of such lots, and for other purposes."
2. *Globe*, 4 April 1856, provides additional information on this Bill, as follows: "Mr. McCann introduced a Bill to confirm the several surveys of side lines and allowance for roads made and laid out by Joseph Fortune and Duncan McDonell, Esquires, Provincial Land Surveyors, in the township of East Hawkesbury, in the county of Prescott." *Toronto Daily Leader*, 4 April 1856, reports the exact same information.
3. *Toronto Daily Leader*, 4 April 1856.
4. *Ibid.*
5. *Globe*, 4 April 1856.
6. *Montreal Gazette*, 5 April 1856.
7. *Toronto Daily Leader*, 4 April 1856.
8. *Globe*, 4 April 1856.
9. *Toronto Daily Leader*, 4 April 1856.
10. *Globe*, 4 April 1856.
11. *Toronto Daily Leader*, 4 April 1856.
12. *Globe*, 4 April 1856.
13. *Toronto Daily Leader*, 4 April 1856.
14. *Globe*, 4 April 1856.
15. *Toronto Daily Leader*, 4 April 1856.
16. *Globe*, 4 April 1856.
17. *Toronto Daily Leader*, 4 April 1856.
18. *Globe*, 4 April 1856.
19. *Montreal Gazette*, 5 April 1856.
20. *Toronto Daily Leader*, 4 April 1856.
21. *Globe*, 4 April 1856.

22. *Toronto Daily Leader*, 4 April 1856.
23. *Ibid.*
24. *Ibid.*
25. *Montreal Gazette*, 5 April 1856.
26. *Globe*, 4 April 1856.
27. *Toronto Daily Leader*, 4 April 1856.
28. *Ibid.*
29. *Ibid.*
30. *Montreal Gazette*, 5 April 1856.
31. *Toronto Daily Leader*, 4 April 1856.
32. *Globe*, 4 April 1856.
33. *Toronto Daily Leader*, 4 April 1856.
34. *Globe*, 4 April 1856. *Montreal Gazette*, 5 April 1856, concurs with this newspaper and reports that Mr. J. Smith spoke.
35. *Toronto Daily Leader*, 4 April 1856.
36. *Montreal Gazette*, 5 April 1856.
37. *Toronto Daily Leader*, 4 April 1856.
38. *Globe*, 4 April 1856.
39. *Montreal Gazette*, 5 April 1856.
40. *Toronto Daily Leader*, 4 April 1856.
41. *Globe*, 4 April 1856.
42. *Toronto Daily Leader*, 4 April 1856.
43. *Globe*, 4 April 1856.
44. *Montreal Gazette*, 5 April 1856.
45. *Globe*, 4 April 1856.
46. *Toronto Daily Leader*, 4 April 1856.
47. *Ibid.*
48. *Globe*, 4 April 1856.
49. *Toronto Daily Leader*, 4 April 1856.
50. *Globe*, 4 April 1856.
51. *Toronto Daily Leader*, 4 April 1856.
52. *Globe*, 4 April 1856.
53. *Toronto Daily Leader*, 4 April 1856.
54. *Montreal Gazette*, 5 April 1856.
55. *Toronto Daily Leader*, 4 April 1856.
56. *Montreal Gazette*, 5 April 1856.
57. *Toronto Daily Leader*, 4 April 1856.
58. *Ibid.*
59. *Ibid.*
60. *Montreal Gazette*, 5 April 1856.
61. *Toronto Daily Leader*, 4 April 1856.
62. *Montreal Gazette*, 5 April 1856.
63. *Globe*, 4 April 1856.
64. *Toronto Daily Leader*, 4 April 1856.
65. *Montreal Gazette*, 5 April 1856.
66. *Globe*, 4 April 1856.
67. *Toronto Daily Leader*, 4 April 1856.
68. *Ibid.*
69. *Montreal Gazette*, 5 April 1856.
70. *Ibid.*
71. *Ibid.*
72. *Toronto Daily Leader*, 4 April 1856.
73. *Globe*, 4 April 1856.
74. *Toronto Daily Leader*, 4 April 1856.
75. *Globe*, 4 April 1856.
76. *Toronto Daily Leader*, 4 April 1856.
77. *Globe*, 4 April 1856.
78. *Toronto Daily Leader*, 4 April 1856.

79. *Montreal Gazette*, 5 April 1856.
80. *Toronto Daily Leader*, 4 April 1856.
81. *Ibid.*
82. *Globe*, 4 April 1856.
83. *Toronto Daily Leader*, 4 April 1856.
84. *Ibid.*
85. *Globe*, 4 April 1856.
86. *Toronto Daily Leader*, 4 April 1856.
87. *Ibid.*
88. *Globe*, 4 April 1856.
89. *Toronto Daily Leader*, 4 April 1856.
90. *Globe*, 4 April 1856.
91. *Toronto Daily Leader*, 4 April 1856.
92. *Globe*, 4 April 1856.
93. *Toronto Daily Leader*, 4 April 1856.
94. *Globe*, 4 April 1856.
95. *Ibid.*
96. *Toronto Daily Leader*, 4 April 1856.
97. *Globe*, 4 April 1856.
98. *Montreal Gazette*, 5 April 1856.
99. *Toronto Daily Leader*, 4 April 1856.
100. *Globe*, 4 April 1856.
101. *Toronto Daily Leader*, 4 April 1856.
102. *Globe*, 4 April 1856.
103. *Toronto Daily Leader*, 4 April 1856.
104. *Globe*, 4 April 1856.
105. *Toronto Daily Leader*, 4 April 1856.
106. *Globe*, 4 April 1856.
107. *Toronto Daily Leader*, 4 April 1856.
108. *Globe*, 4 April 1856.
109. *Toronto Daily Leader*, 4 April 1856.
110. *Ibid.*
111. *Ibid.*
112. *Globe*, 4 April 1856.
113. *Toronto Daily Leader*, 4 April 1856.
114. *Globe*, 4 April 1856.
115. *Toronto Daily Leader*, 4 April 1856.
116. *Globe*, 4 April 1856.
117. *Toronto Daily Leader*, 4 April 1856.
118. *Globe*, 4 April 1856.
119. *Toronto Daily Leader*, 4 April 1856.
120. *Montreal Gazette*, 5 April 1856.
121. *Globe*, 4 April 1856.
122. *Toronto Daily Leader*, 4 April 1856.
123. *Ibid.*
124. *Ibid.*
125. *Globe*, 4 April 1856.
126. *Toronto Daily Leader*, 4 April 1856.
127. *Globe*, 4 April 1856.
128. *Toronto Daily Leader*, 4 April 1856.
129. *Globe*, 4 April 1856.
130. *Ibid.*
131. *Ibid.*
132. *Toronto Daily Leader*, 4 April 1856.
133. *Globe*, 4 April 1856.
134. *Toronto Daily Leader*, 4 April 1856.
135. *Globe*, 4 April 1856.

136. *Toronto Daily Leader*, 4 April 1856.
137. *Ibid.*
138. *Globe*, 4 April 1856.
139. *Toronto Daily Leader*, 4 April 1856.
140. *Globe*, 4 April 1856.
141. *Toronto Daily Leader*, 4 April 1856.
142. *Globe*, 4 April 1856.
143. *Toronto Daily Leader*, 4 April 1856.
144. *Montreal Gazette*, 5 April 1856.
145. *Globe*, 4 April 1856.
146. *Ibid.*
147. *Ibid.*
148. *Montreal Gazette*, 5 April 1856.
149. *Toronto Daily Leader*, 4 April 1856.
150. *Globe*, 4 April 1856.
151. *Ibid.*
152. *Toronto Daily Leader*, 4 April 1856.
153. *Globe*, 4 April 1856.
154. *Toronto Daily Leader*, 4 April 1856.
155. *Globe*, 4 April 1856.
156. *Toronto Daily Leader*, 4 April 1856.
157. *Globe*, 4 April 1856.
158. *Montreal Gazette*, 5 April 1856.
159. *Toronto Daily Leader*, 4 April 1856.
160. *Globe*, 4 April 1856.
161. *Ibid.*
162. *Montreal Gazette*, 5 April 1856.
163. *Globe*, 4 April 1856.
164. *Montreal Gazette*, 5 April 1856.
165. *Globe*, 4 April 1856.
166. *Montreal Gazette*, 5 April 1856.
167. *Toronto Daily Leader*, 4 April 1856.
168. *Ibid.*
169. *Globe*, 4 April 1856.
170. *Montreal Gazette*, 5 April 1856.
171. *Globe*, 4 April 1856.
172. *Ibid.*
173. *Ibid.*
174. *Toronto Daily Leader*, 4 April 1856.
175. *Globe*, 4 April 1856. *Toronto Daily Leader*, 4 April 1856, concurs with this newspaper and reports that Mr. Brown stated that "he would vote against the amendment of the hon. member for Brant, and for the original motion." However, as Mr. Brown clearly affirms in his speech his opposition to sectional legislation, which principle is embodied in Mr. Hartman's motion, it seems possible that he was misunderstood by the reporters.
176. *Toronto Daily Leader*, 4 April 1856.
177. *Globe*, 4 April 1856.
178. *Toronto Daily Leader*, 4 April 1856.
179. *Montreal Gazette*, 5 April 1856.
180. *Toronto Daily Leader*, 4 April 1856.
181. *Ibid.*
182. *Montreal Gazette*, 5 April 1856.
183. *Toronto Daily Leader*, 4 April 1856.
184. *Ibid.*
185. *Montreal Gazette*, 5 April 1856.
186. *Toronto Daily Leader*, 4 April 1856.
187. *Montreal Gazette*, 5 April 1856.
188. *Toronto Daily Leader*, 4 April 1856.
189. *Montreal Gazette*, 5 April 1856.

190. *Toronto Daily Leader*, 4 April 1856.
191. *Montreal Gazette*, 5 April 1856.
192. *Toronto Daily Leader*, 4 April 1856.
193. *Montreal Gazette*, 5 April 1856.
194. *Globe*, 4 April 1856.
195. *Toronto Daily Leader*, 4 April 1856.
196. *Montreal Gazette*, 5 April 1856.
197. *Ibid.*
198. *Toronto Daily Leader*, 4 April 1856.
199. *Montreal Gazette*, 5 April 1856.
200. *Toronto Daily Leader*, 4 April 1856.
201. *Globe*, 4 April 1856.
202. *Montreal Gazette*, 5 April 1856.
203. *Globe*, 4 April 1856.
204. *Montreal Gazette*, 5 April 1856.
205. *Toronto Daily Leader*, 4 April 1856.
206. *Montreal Gazette*, 5 April 1856.
207. *Globe*, 4 April 1856.
208. *Montreal Gazette*, 5 April 1856.
209. *Toronto Daily Leader*, 4 April 1856.
210. *Montreal Gazette*, 5 April 1856.
211. *Toronto Daily Leader*, 4 April 1856.
212. *Montreal Gazette*, 5 April 1856.
213. *Toronto Daily Leader*, 4 April 1856.
214. *Montreal Gazette*, 5 April 1856.
215. *Globe*, 4 April 1856.
216. *Ibid.*
217. *Montreal Gazette*, 5 April 1856.
218. *Mackenzie's Weekly Message*, 11 April 1856.
219. *Globe*, 4 April 1856.
220. *Mackenzie's Weekly Message*, 11 April 1856. This newspaper adds the following comment on Mr. DeWitt's speech: "Mr. DeWitt is the oldest member of the Legislature — between 70 and 80 years of age — has sat nearly 30 years in Assembly — and been from the very outset an enthusiastic friend of morality, religion, education, temperance, and honest nationpal [sic] [p]rogress.... Anxious and earnest in debate, he urged the question of a prohibitory liquor law with remarkable force and truth, and well he might, for in all proper places and on all fit occasions, he had taken the same course during nearly half a century, and afforded the best proof of his sincerity by a total abstinence from drinking aught that doth intoxicate."
- Montreal Gazette*, 5 April 1856, reports that Mr. DeWitt "spoke at considerable length, very earnestly, in favor of the law, but was not distinctly heard in the gallery."
221. *Toronto Daily Leader*, 4 April 1856.
222. *Montreal Gazette*, 5 April 1856.
223. *Toronto Daily Leader*, 4 April 1856.
224. *Ibid.*
225. *Ibid.*
226. *Globe*, 4 April 1856.
227. *Montreal Gazette*, 5 April 1856.
228. *Toronto Daily Leader*, 4 April 1856.
229. *Toronto Daily Leader*, 5 April 1856.
230. *Ibid.*
231. *Globe*, 4 April 1856. *Montreal Gazette*, 5 April 1856, concurs with this newspaper, but *Toronto Daily Leader*, 5 April 1856, reports that Mr. S. Smith spoke.
232. *Toronto Daily Leader*, 5 April 1856.
233. *Globe*, 4 April 1856.
234. *Toronto Daily Leader*, 5 April 1856.
235. *Ibid.*
236. *Montreal Gazette*, 5 April 1856.
237. *Toronto Daily Leader*, 5 April 1856.

238. *Globe*, 4 April 1856.
239. *Montreal Gazette*, 5 April 1856. *Globe*, 4 April 1856, and *Toronto Daily Leader*, 4 April 1856 (in a synopsis of this debate), both report a very similar statement. However, in its verbatim transcription, *Toronto Daily Leader*, 5 April 1856, reports that Mr. Spence "regretted that the hon. member for North York had not allowed his motion to stand in the shape it had originally done on the notice paper; and he hoped that hon. gentleman would yet withdraw his amendment that the words 'Upper Canada' be added to the motion." This newspaper is clearly mistaken, since the main motion under discussion, moved by Mr. Hartman, was entered upon the *Journals* with the words "of Upper Canada" (see *Journal* reference, page (237) 1091). Later in the debate, Mr. Hartman explains that the words "of Upper Canada" were part of his original notice of motion, but did not appear on the official list due to a printing mistake (see footnote 230). We therefore omitted from our reconstruction any excerpt from the *Toronto Daily Leader* which contained this mistake. In Mr. Spence's concluding remarks, taken from the *Toronto Daily Leader*, we replaced the words "withdraw his amendment" with an ellipsis (see footnote 246).
240. *Toronto Daily Leader*, 5 April 1856.
241. *Globe*, 4 April 1856.
242. *Toronto Daily Leader*, 5 April 1856.
243. *Globe*, 4 April 1856.
244. *Toronto Daily Leader*, 5 April 1856.
245. *Globe*, 4 April 1856.
246. *Toronto Daily Leader*, 5 April 1856.
247. *Montreal Gazette*, 5 April 1856.
248. *Globe*, 4 April 1856.
249. *Toronto Daily Leader*, 5 April 1856.
250. *Globe*, 4 April 1856.
251. *Toronto Daily Leader*, 5 April 1856.
252. *Globe*, 4 April 1856.
253. *Toronto Daily Leader*, 5 April 1856.
254. *Montreal Gazette*, 5 April 1856.
255. *Toronto Daily Leader*, 5 April 1856.
256. *Montreal Gazette*, 5 April 1856. *Toronto Daily Leader*, 5 April 1856, explains that "a question of order was here raised; the addition of the amendment moved by the hon. member for Brant (Mr. Christie,) to the main motion, brought the subject within the terms of a motion previously disposed of by a vote of the House."
257. *Globe*, 4 April 1856.
258. *Ibid.*
259. *Ibid.*
260. *Ibid.*
261. *Ibid.*
262. *Ibid.*
263. *Ibid.*
264. *Montreal Gazette*, 5 April 1856.
265. *Globe*, 4 April 1856.
266. *Ibid.*
267. *Toronto Daily Leader*, 4 April 1856.
268. *Ibid.*
269. *Globe*, 4 April 1856.
270. *Ibid.*
271. *Ibid.*
272. *Toronto Daily Leader*, 5 April 1856.
273. *Ibid.*
274. *Toronto Daily Leader*, 4 April 1856.
275. *Montreal Gazette*, 5 April 1856.
276. *Ibid.*
277. *Ibid.*
278. *Globe*, 4 April 1856.
279. *Ibid.*
280. *Toronto Daily Leader*, 5 April 1856.
281. *Ibid.*
282. *Ibid.*

283. *Toronto Daily Leader*, 5 April 1856.
284. *Ibid.*
285. *Globe*, 4 April 1856.
286. *Ibid.*
287. *Ibid.*
288. *Ibid.*
289. *Ibid.*
290. *Toronto Daily Leader*, 5 April 1856.
291. *Globe*, 4 April 1856. *Toronto Daily Leader*, 5 April 1856, differs from this newspaper and reports that Mr. Holton moved this resolution. However, *Toronto Daily Leader*, 4 April 1856, in its synopsis of this debate, concurs with the *Globe* and reports that "a resolution affirming the necessity of amending the license system ... [was] submitted by Mr. Felton". Furthermore, the statement next made by Mr. Sanborn, recalling Mr. Felton's previous motion on the subject (see 10 March 1856), reinforces the belief that he was the member who moved the resolution.
292. *Toronto Daily Leader*, 5 April 1856.
293. *Globe*, 4 April 1856. In its synopsis of the debate, *Toronto Daily Leader*, 4 April 1856, concurs and reports that the motion was ruled "to be in order". However, *Toronto Daily Leader*, 5 April 1856, reports that it was "pronounced out of order."
294. *Globe*, 4 April 1856.
295. *Ibid.*
296. *Ibid.*
297. *Ibid.*
298. *Toronto Daily Leader*, 5 April 1856.
299. *Globe*, 4 April 1856.
300. *Montreal Gazette*, 5 April 1856. *Globe*, 4 April 1856, remarks that the motion of adjournment being carried, "the effect ... [was] that the whole debate of the evening had resulted in nothing." In a short commentary which summarizes the debate, *Montreal Gazette*, 14 April 1856, also remarks that "the time of the House ... was literally wasted with an attempt to foist on the country a Prohibitory Liquor Law, notwithstanding the previous decision of the House against it.... First Mr. Hartman moved a resolution which was rather the basis for a license law than a prohibitory liquor law — hoping to get that into Committee and bring it out a prohibitory resolution. Mr. Christie moved to add words which made it a reference of a prohibitory resolution; another member moved to strike out the words Upper Canada so as to have it apply to all the Province. The point of order raised by Messrs. Galt and Cameron, was so forcibly put that the speaker was compelled to rule the former amendment out of order, whereupon Mr. Hartman grew disgusted and desired to throw up his hand and abandon the game. He did not care to go on with his own resolution as it stood. Others more enthusiastic would go on, and an hour or two was wasted in Committee in futile attempts to do something. At last the Committee rose without reporting, and the farce was brought to an end."
- Le Pays*, 12 April 1856, notes that this debate lasted three or four hours. Other summaries of this debate are reported in *Globe*, 4 April 1856, *Western Planet*, 10 April 1856, and *Mackenzie's Weekly Message*, 11 April 1856.
301. *Montreal Gazette*, 5 April 1856.
302. *Toronto Daily Leader*, 5 April 1856.
303. *Globe*, 4 April 1856.
304. *Toronto Daily Leader*, 5 April 1856.
305. *Toronto Daily Leader*, 5 April 1856. *Montreal Gazette*, 11 April 1856, reports a short comment on the activities of the Committee, stating that "the Committee came to a resolution on Tuesday, that sufficient proof of violence had been made under the Commission to void the election, and it was understood that thereupon the sitting member was to be ousted. Next morning, however, he declared upon oath, that he could bring evidence to rebut this testimony, and a majority of the Committee, viz: Messrs. Cameron, Ferres and Brodeur decided to grant him a commission for that purpose; Messrs. Jackson and Wright voting against it. Next morning, however, Mr. Brodeur came forward and declared he had found reasons for changing his vote, and accordingly did reverse it. The commission was denied, and the Committee reported last night against the sitting member. So Argenteuil must again go through with the ceremony of an election. Mr. Bellingham's friends complain very bitterly of the conduct of those members of the Committee who refused him an opportunity to rebut the proof of the charge of violence."
306. *Toronto Daily Leader*, 5 April 1856.
307. *Ibid.*
308. *Ibid.*
309. *Ibid.*
310. *Montreal Gazette*, 5 April 1856.
311. *Toronto Daily Leader*, 5 April 1856.

312. *Toronto Daily Leader*, 5 April 1856.
313. *Ibid.*
314. *Ibid.*
315. *Montreal Gazette*, 5 April 1856.
316. *Toronto Daily Leader*, 5 April 1856.
317. *Ibid.*
318. *Globe*, 4 April 1856.
319. *Toronto Daily Leader*, 5 April 1856.
320. *Montreal Gazette*, 5 April 1856.
321. *Toronto Daily Leader*, 5 April 1856.
322. *Montreal Gazette*, 5 April 1856.
323. *Toronto Daily Leader*, 4 April 1856. Commentaries on this debate are reported in *Montreal Transcript*, 7 April 1856, and *Le Pays*, 12 April 1856, both of which imply that Mr. Cameron, as Chairman of the Committee investigating the Argenteuil controverted election, did not wish to acknowledge the charges of bribery and corruption made against Mr. Bellingham, from a desire to protect "a valuable supporter" from an irreversible disqualification to a seat in the House.
324. *Toronto Daily Leader*, 5 April 1856, reports that the House adjourned "at a quarter to eleven", whereas *Globe*, 4 April 1856, reports it adjourned "at 11 o'clock".
325. *Toronto Daily Leader*, 4 April 1856.

FRIDAY, 4 APRIL 1856

(241)

MR. SPEAKER laid before the House, — Accounts of the Supervisor of Cullers at *Quebec*, and of the Deputy Supervisors at *Sorel*, and *Montreal* and *Lachine*, for the year 1855.

For the said Accounts, see Appendix (No. 36.)

And also, Statement of the Affairs of the *St. Lawrence* and *Industry* Village Railroad, on thirty-first December, 1855.

For the said Statement, see Appendix (No. 13.)

The following Petitions were severally brought up, and laid on the table: —

By Mr. *Joseph Curran Morrison*, — The Petition of the *Ontario*, *Simcoe*, and *Huron* Railroad Company.

By Mr. *Cooke*, — The Petition of *Thomas M. Ferguson*, and others, of *Buckingham*.

By Mr. *Polette*, — The Petition of *Joseph A. Levis* and others, of the Parish of *St. André Avellin*, County of *Ottawa*; and the Petition of the Reverend *S.S. Wood* and others, of *Three Rivers*.

By Mr. *Jean Baptiste Eric Dorion*, — The Petition of *Patrick McCabe* and others, of *Wickham*, County of *Drummond*; and the Petition of *Patrick Carroll* and others, of the Village of *L'Avenir*.

By Mr. *Masson*, — The Petition of *Lemuel Cushing*.

By Mr. *Chapais*, — The Petition of the Municipal Council of the County of *Kamouraska*.

By Mr. *Munro*, — The Petition of *T. Waddell* and others; the Petition of the Reverend *William C. Young* and others; the Petition of *Samuel Caldwell* and others, of the Township of *Hope*; the Petition of *Newton Clarke* and others; and the Petition of *Joseph Jacobs* and others.

By Mr. *Mackenzie*, — The Petition of the Cadets of Temperance; and the petition of *Samuel Cummer* and others, of the Township of *York*.

By Mr. *Holton*, — The Petition of *Wolfred Nelson* and others, of the City of *Montreal*.

By Mr. *Ferrie*, — The Petition of the *Ayr* Mechanics and Farmers' Institute.

By Mr. *Aikins*, — The Petition of *J. Mills* and others, of the County of *Lambton*.

By Mr. *Matheson*, — The Petition of the Reverend *William J. Ball* and others, of *Woodstock*.

By Mr. *Prévost*, — Two Petitions of the Reverend *M. Brunet* and others, of the Parish of *St. Jérôme*.

By Mr. *Crysler*, — Two Petitions of the Municipality of the Township of *Cornwall*.

By Mr. *Mattice*, — The Petition of *Samuel Ault* and others, of the Township of *Osnabruck*.

By Mr. *Hartman*, — The Petition of *M.C. Bell* and others, of the Township of *East Gwillimbury*.

By Mr. *Roderick McDonald*, — The Petition of the Reverend *Hugh Campbell* and others, of *Cornwall*.

By the Honorable Mr. *Robinson*, — The Petition of *Richard Machell* and others, Stockholders, and others interested in the Northern Railroad; the Petition of *William Armson* and others, of the South Riding of the County of *Simcoe*; and the Petition of the Municipality of the Township of *Mono*, County of *Simcoe*.

(242)

By the Honorable Mr. *Cameron*, — The Petition of *H.J. Ruttan* and others, of the Town of *Cobourg*; the Petition of the Reverend *Francis Evans* and others, Clergymen of the Church of *England*, Diocese of *Toronto*; the Petition of the *Canada* Life Assurance Company; the Petition of the Mayor, Aldermen, and Commonalty of the City of *Toronto*; and the Petition of *Anna Maria McKay*, of the Village of *Ancaster*, widow of the late *Alexander Robertson McKay*.

By Mr. *Brown*, — The Petition of *A.S. Rathbun* and others, of the Township of *Tyendinaga*; and the Petition of *Caleb J. Williams* and others, of the Township of *Ameliasburgh*.

By the Honorable Mr. Attorney General *Macdonald*, — The Petition of the Mayor, Aldermen and Commonalty of the City of *Kingston*; and the Petition of the Reverend *Duncan Cameron* and others, of the Townships of *Lochiel* and *Kenyon*.

By Mr. *Ferres*, — The Petition of *George Adams* and others, of *Adamsville*.

By Mr. *Jackson*, — The Petition of *Kenneth McKenzie* and others, of the Town of *Sydenham*.

By Mr. *Rankin*, — The Petition of Mrs. *James Dunbar* and others, of the Town of *Amherstburg*; and the Petition of *William Bartlet* and others, of the Town of *Amherstburg*.

By Mr. *Wilson*, — The Petition of *Ambrose Powell* and others, of the Township of *London*.

Pursuant to the Order of the day, the following Petitions were read: —

Of *Pierre Viger* and others, of *Boucherville*; praying for an Elective Legislative Council, and an Elective Governor, and for the recall of Sir *Edmund Head*.

Of *Ralph Merry* and others, of the Township of *Magog*; of *A. Parish* and others, of the County of *Leeds*; of the Reverend *Thomas Wightman* and others, of the Township of *York* and vicinity; of *J.B. Fares* and others, of the Township of *Humberstone*; of *G.H. Field* and others; of *George Montgomery* and others, of the Township of *Cartwright*, County of *Durham*; of Mrs. *Margaret Glann* and others, of the Township of *Oneida*, County of *Haldimand*; and of *Charles Hallan* and others, of the Townships of *Townsend* and *Walpole*; praying for the passing of a Prohibitory Liquor Law.

Of *James McLanagan* and others, of the western half of the Township of *Garafraxa*; praying that the Township of *Garafraxa* may be divided into two Townships.

Of *George Herrick* and others, Members of the Medical Profession, residing in the City of *Toronto*; praying that the sole power to examine all Students for License to practise Medicine, &c., may be vested in the Faculty of Examiners of the University of *Toronto*.

Of Mrs. *Catherine Moreton*, widow of the late *Robert Corregan* [sic]; complaining of misprision of Office by Mr. Justice *Duval*, on the Trial of *Richard Kelly* and others for the murder of her said late husband, and praying relief in the premises.

Of *Richard Nettle* and others, of the City of *Quebec*; praying that the Bill to prohibit the sale and manufacture of Ale and Spirits may not become Law.

Of *W.P. McLaren* and others; praying for certain amendments to the Act incorporating the *Hamilton and South-Western Railway Company*.

Of *Joseph Barnard*, Chairman, on behalf of a Public Meeting of the Inhabitants of the Township of *South Monaghan*; of the Municipality of the Township of *Reach*; and of *William Tyrrell* and others, of *Weston*, Township of *York*, and County of *York*; praying for the repeal of the Separate School Act.

Of the Municipal Council of the County of *Waterloo*; praying that the Townships of *Waterloo*, *Wellesley*, *Wilmot* and *Woolwich*, may be relieved from all liability on account of the construction or maintenance of the *Guelph* and *Dundas* Road.

Of the *Compton* High School; praying for aid.

Of the Municipality of the Township of *Brome*; and of the Municipal Council of the County of *Brome*; praying for the passing of an Act to create the Counties of *Shefford*, *Missisquoi* and *Brome*, into an independent Judicial District.

Of *A.A. McLaughlin* and others, of the Township of *Mariposa*, County of *Victoria*; praying that the Counties of *Peterborough* and *Victoria* may not be separated.

Of *William Campbell* and others, of the Parish of *Lacorne*, County of *Terrebonne*; praying that the said Parish may be relieved from the payment of the amount of Stock subscribed for in the *Montreal* and *Bytown* Railway Company.

Of *L'Institut Canadien des Artisans de Dumontville*, County of *Terrebonne*; praying for aid.

Of *L'Institut Canadien des Artisans de Dumontville*, County of *Terrebonne*; praying for aid to complete the building occupied by them.

Of *John Penelton* and others, of the Township of *Albion*, County of *Peel*; complaining that he has been unjustly deprived of a lot of land in the said Township, and praying relief.

Of *William Pawson* and others, of the County of *Ontario*; and of *T.H. Reeve* and others, of the County of *Wellington*; praying that means may be adopted to prevent the unnecessary expenditure of the Endowment of King's College.

Of *John Buchanan* and others, of the Township of *Reach*; praying that the Representation of the People in Parliament may be based upon Population.

Of the Municipality of the Township of *Reach*; praying for the passing of an Act confirming certain Surveys made for laying out, establishing, and closing up Roads in the said Township, in accordance with certain By-Laws of the said Municipality.

Of the Municipality of the Township of *Reach*; praying that that part of the Township of *Mariposa* which formerly constituted part of the Township of *Cartwright*, and which is situate[d] between the eastern limits of the Township of *Reach* and Lake *Scugog*, may be attached to the Township of *Reach*.

Of *Alexander McLean* and others, of the Township of *Mariposa*; praying that their lands may be detached from the said Township, and annexed to the Township of *Reach*.

Of the Reverend *Septimus Jones* and others, of the Township of *Percé*, District of *Gaspé*; praying aid for the *Cape Cove* High School.

Of the Reverend *Michael Kerrigan*, *Curé*, and others, of the Township of *Frampton*; praying for the repeal of the Municipal and Road Act of 1855.

Of the *Toronto* Board of Trade; praying for the passing of an Act making the trade in money perfectly free to Insurance Companies, and all other Corporate Bodies not possessing privileges of issue as well as private individuals, but that Chartered Banks should not be allowed to charge more than seven per cent.

Of the Municipality of the Township of *Kinloss*, County of *Bruce*; praying that *Penetangore* may be made the County Town of the County of *Bruce*.

Among the petitions which the Clerk of the Assembly proceeded to read, was one from¹ William King and others, of the parish of St. Sylvester, in reference to the circumstances connected with the murder of Edward Corrigan, and the trial of his murderers².

MR. SICOTTE the SPEAKER ruled [the petition] out of order. He stated that the petition had reference to the Corrigan murder, and³ that it was his duty to inform the house, that this petition contained statements injurious to a member of the house (Mr. O'Farrell), and reflecting on the character and conduct of a Judge and jury of this country.⁴ And, finally, the petition contained no prayer.⁵ It was for the house to say, whether it should be received.⁶

CAPT. RHODES said that if it was ruled out of order, he should of course withdraw it. But the petition had been signed by 150 inhabitants of the county, and he believed they had acted right in the matter.⁷

MR. ALLEYN thought the hon. gentleman could not have read the petition; for if he did, he would not have presented it.⁸

MR. MACKENZIE would maintain that there was a prayer to the petition; and also that the petition was perfectly correct, proper and parliamentary. The petitioners prayed the most favorable attention of the House to a series of resolutions which had been passed at a public meeting in St. Sylvester, and those resolutions complained of certain wrongs for which redress was prayed.⁹

MR. SICOTTE the SPEAKER said he conceived that that portion of the petition referred to by the hon. member for Haldimand was not a prayer. After having stated certain facts, then [sic] merely submitted the resolutions to the House, and called the attention of the House to what they had done. This was not, in parliamentary language, a prayer.¹⁰

CAPT. RHODES would like to inform the member for Quebec, that he read the petition carefully; and that it contained three prayers.¹¹ [He] agreed in its prayer[s], but if the feeling of the house was against its reception, he would withdraw it.¹²

MR. J.S. MACDONALD said there was no knowing where persons would stop if they were to be allowed to send in such petitions to the House, reflecting not only on the conduct of hon. gentlemen, but on the judiciary of the land.¹³

On motion of MR. MACKENZIE¹⁴,

The clerk then proceeded to read the petition, until he came to that portion of it in which the petitioners hoped that in consequence of his conduct on the trial, Mr. O'Farrel[l] might never again be allowed to sit in the Legislature, when he was stopped by the House, and the petition was withdrawn.¹⁵

(243) *Ordered*, That the Petition of the Town Council of the town of *Guelph* be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Ordered, That the Petition of *William Campbell* and others, of the Parish of *Lacorne*, County of *Terrebonne*, be referred to the Select Committee appointed to inquire into all the transactions of the *Montreal and Bytown* Railway Company.

(244) The Honorable Mr. *Cartier*, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General, — Copy of the Report made to the Crown Lands Department by *Albert Pellew Salter*, Esquire, P.L.S., upon the Country bordering upon the North Shore of Lake *Huron*, recently explored by that gentleman; furnished in compliance with the Letter of the Honorable Provincial Secretary, dated 31st March, 1856.

For the said Report, see Appendix (No. 37.)

The Honorable Mr. *Cartier* also laid before the House, by command of His Excellency the Governor General, — Report of the Progress of Settlement, for 1855, by *Thomas Boutillier*, Inspector of Agencies.

For the said Report, see Appendix (No. 38.)

Mr. *Alley* reported from the Select Committee on the Bill to encourage Shipbuilding within this Province, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Monday next.

Mr. *Sidney Smith*, from the Standing Committee on Standing Orders, presented to the House the Tenth Report of the said Committee; which was read, as followeth: —

Your Committee have examined the following Petitions, and find that sufficient Notice has been given in each case, *viz*: — Of *J. Gould* and others, Directors of the *Port Whitby* and Lake *Huron* Railway Company; of *Hewitt Bernard*, of the Town of *Barrie*; of *La Banque du Peuple*, of *Montreal*; of the Agricultural Society of the County of *Elgin*, for the sale of a certain block of Land in *London* granted for holding Free Fairs; of the Reverend *Henry Patton*, of the Town of *Cornwall*, Rector, for authority to sell a portion of the Glebe belonging to the Rectory; and of the Town Council of the Town of *Cobourg*, for amendments to the Act incorporating the *Cobourg* and *Peterborough* Railway Company.

Upon the Petition of the *Hamilton Hotel* Company, Your Committee find that the Notice has been published since the latter part of February only; but an Affidavit by the Secretary of the Company has been filed with Your Committee, to the effect that Notice was served upon each of the Stockholders of the desire of the Directors to make the present application; and Your Committee would therefore recommend that the Notice be considered sufficient.

On the Petition of *Thomas Clarkson* and others, Merchants, and others, of the City of *Toronto* and of the Counties of *York* and *Simcoe*, for incorporation of the *Toronto* and *Georgian Bay* Canal Company, it appears that the only Notice published appeared in the *Canada Gazette* (for the County of *York*), none having been given in the county of *Simcoe*.

On the Petitions of the Town Council of the Town of *Chatham*, for authority to dispose of a Lot of Land acquired for the purpose of a Cemetery, — and of the Municipal Council of the County of *Brant*, for an extension of their powers to enable them to indemnify *J. Turner* for loss on a contract for public buildings, Your Committee find that no Notice has been given.

The Petition of *Louis Bourdon* and others, of the Parish of *St. Romuald de Farnham*, for incorporation of an Academy is not of such a nature, as to require the publication of Notice.

Ordered, That Mr. *Whitney* have leave to bring in a Bill to incorporate the Academy of *St. Romuald de Farnham*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

(245)

Ordered, That all Petitions, now and to be hereafter received, referring to the late troubles at *St. Sylvester*, in the County of *Lotbinière*, be referred to the Special Committee appointed to inquire into the matter of the disturbances at *St. Sylvester*.

Ordered, That Mr. *Ferres* have leave to bring in a Bill to incorporate the *Freleighsburg* Grammar School.

He accordingly presented the said Bill to the House; and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Ordered, That Mr. *Clarke* have leave to bring in a Bill for the incorporation of the *Saugeen* Harbour Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. ROBLIN introduced a bill to enable the Rev. Henry Patton, Rector of Cornwall, to convey certain lands to the Grand Trunk Railway Company of Canada, and to invest the money received for such lands in trust for the Rectory of that town.¹⁶

MR. BROWN [asked a question.]¹⁷

MR. ROBLIN explained that the object of the Bill was to enable the Rev. gentleman to convey to the Grand Trunk Railway a portion of his rectory lands, through which it was necessary the line should pass.¹⁸

MR. BROWN condemned the practice of the Ministry in first opposing all Legislation on these patents by which these Rectory lands were granted, and then allowing their followers to introduce such Bills.¹⁹

After an explanation from MR. AT. GEN. J.A. MACDONALD,²⁰

The Bill was read a first time.²¹

(245)

Ordered, That Mr. *Roblin* have leave to bring in a Bill to enable the Reverend *Henry Patton*, Rector of *Cornwall*, to convey certain Lands to the Grand Trunk Railway Company of *Canada*, and to invest the money received for such Lands in trust for the Rectory of that Town.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. *Gould* have leave to bring in a Bill to amend the Charter of the *Port Whitby* and *Lake Huron* Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That Mr. *Antoine Aimé Dorion* have leave to bring in a Bill to amend the several Acts incorporating *La Banque du Peuple*, of *Montreal*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

A Message from the Legislative Council, by *John Fennings Taylor*, Esquire, one of the Masters in Chancery: —

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to authorize the commutation of claims on Ordnance Lands upon the transfer of such Lands to the Province," without any Amendment.

And then he withdrew.

MR. AT. GEN. J.A. MACDONALD said as this was a Government night, and as the Government did not propose²² to go on with their business until the evening session, [he] would allow all unopposed measures to be taken up by the House.²³

MR. MACKENZIE said if the Government had no business of its own, the House must take up the business in its order on the paper. The Government must not dictate to the House what it might take up and what it should not take up.²⁴

MR. J.S. MACDONALD expressed a similar opinion.²⁵

This course was [also] objected to by ... several other members of the opposition²⁶.

MR. AT. GEN. J.A. MACDONALD proposed to take up the business in the manner he had just done in order to suit the convenience of the House. If that were not done, the Government would go on with its own business.²⁷

MR. MACKENZIE declared that to allow the Government to dictate to the House in the manner proposed was totally unworthy of the dignity of any legislative body.²⁸

MR. AT. GEN. J.A. MACDONALD ... [then] moved that the orders of the day be proceeded with.²⁹

(245) On motion of the Honorable Mr. Attorney General *Macdonald*, seconded by Mr. Solicitor General *Smith*,
Ordered, That the Orders of the day be now read.

And the Order of the day for the third reading of the Bill to correct an error in the Act passed in the eighteenth year of Her Majesty's Reign, to amend and extend the Act incorporating the *Champlain* and *St. Lawrence* Railroad Company, being read;

On motion of MR. GALT,³⁰

(245) The Bill was accordingly read the third time.
Resolved, That the Bill do pass, and the Title be, "An Act to correct an error in the Act passed in the eighteenth year of Her Majesty's Reign, to amend and extend the Act incorporating the *Champlain* and *St. Lawrence* Railroad Company."
Ordered, That Mr. *Galt* do carry the Bill to the Legislative Council, and desire their concurrence.

On motion of MR. PRÉVOST,³¹

(246) A Bill to provide in a more certain manner for order in enregistration, and to facilitate enregistrations and searches in the Registry Offices of *Lower Canada*, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. *Prévost* do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the House in Committee to take into consideration certain Resolutions on the subject of the encouragement of Superior Education and the establishment of Normal Schools in *Lower Canada*, being read;

The Honorable Mr. *Cartier* moved, seconded by the Honorable Mr. *Lemieux*, and the Question being proposed, That Mr. Speaker do now leave the Chair;

MR. A. DORION (Montreal) said, I regret, Mr. Speaker, that we have taken up the subject before having before this house the Report of the Superintendent of Education for Lower Canada, and that we

should be bound to approach the subject of Superior Education, without having at the same time the views of the Government upon the whole subject of education. I have before expressed to the House, and I think that the Hon. Provincial Secretary himself has conclusively proved, it is not exactly the system of superior education which requires to be especially attended to in Lower Canada, but primary education. In these resolutions there is a very important subject alluded to, which will, I am assured, be very gratifying to all Lower Canadians to hear, namely, with reference to Normal Schools; but at the same time when I see that it is intended to make a large provision for higher education, we have not been able to elicit from the Hon. Provincial Secretary anything as to what the Ministry intend to do for primary schools. I see it is here stated, that a Fund is to be created which will reach the amount of £22,000 for the higher branches of education,³² whereas only £24,000, was given for common schools.³³ It was most desirable that in Lower Canada the Common School fund should be increased with the increase of population. But the fact was, that this Fund had been decreasing ever since 1852. That Fund was then nearly £29,000, when the population was about 600,000, had now decre[as]ed £4,000, when it had increased to nearly 1,000,000.³⁴ The only thing that we got from the Provincial Secretary the other day was, that it was proposed to make an increase to the Common School Fund, but we gather, that the increase proposed is a mere nothing when properly looked at. It is proposed that £29,000 should be taken out of that Common School fund for the purpose of supporting Normal Schools, so that that sum which is now £24,000 yearly, would³⁵, if the suggestions of the Provincial Secretary were carried out, be still further reduced to some £21,500³⁶, and an increase will be given to the Common School fund. When the hon. Provincial Secretary was compelled to say upon this point, what Government intended to do for Common Schools, he said, they intended to increase it, but he could not say to what amount. It is surprising, that while the Government had the subject of education before them in October, they did not embrace the whole subject at once, in order to see whether they would not recommend to this house an increase for the Common School fund, and whatever that proposition was, we should be now in a better condition to consider the question. If it would be in place of the amount which they intended to take from the Common School fund, for the purpose of the Normal Schools, we should be in a better position to decide upon this matter. As it is, I see that we are compelled at this present moment to determine upon the question, and it is my duty to see that sufficient funds shall be applied for that fund in Lower Canada.³⁷ Now he would maintain, that until a sufficient Fund was provided for the maintenance of the Common School Education, none of the money applied to the purposes of education should be applied to anything but this Fund. If they did not intend to increase the Fund, then he would say, let them at all events, make it at the rate at which it stood³⁸ when the Law went first into operation, that is, in proportion to the increase of population. If that were done, the fund would now reach £40,000. Instead of being that, it has dwindled down to £24,000, and considering the number of schools which have to be supported, and which leaves to each only a very small sum, the fund should unquestionably be augmented. That it is insufficient is apparent to every hon. member of this house, and if conviction be required upon this, let hon. members read the petitions which have been presented for the last three or four years, and the Reports of the Superintendent of Education since 1851. Every one of these documents speaks of its inadequacy, and shows conclusively, that what was sufficient in 1848, is not now, in consideration of the wants of popular education in Lower Canada.³⁹ The chief objection he had to the resolution of the Provincial Secretary was not exactly as to the want of provision for the Common School Fund, but because he considered that as a national system of education it was deficient. Such a system ought to comprise the three branches — the Universities, or higher schools, the Seminaries, or secondary schools, and the Primary Schools. Aid should be given to those three classes, but more especially to the latter class; for in a country like Lower Canada, where they had plenty of institutions for superior education, the Primary Schools required the most aid. As for Model Schools, no provision whatever was made for them, nor were they told that the Provincial Secretary was going to establish any.⁴⁰ The system in Upper Canada is altogether different to that in Lower. In Lower Canada we have got the Normal, Primary, and Grammar Schools all in one. It has been stated that the fund which would be provided here, would be a sum to reach £22,000 yearly,⁴¹

equal to one-fourth of the revenu[e]s of Lower Canada, before the Union,⁴² and it is proposed by these Resolutions not to distribute that sum annually by an annual vote of Parliament, or to distribute it as the Common School Fund is, but that it should be handed over to the Superintendent of Education here, and by him divided among the higher institutions of education in Lower Canada, subject to the control of the Governor in Council. That is an astonishing proposition, and very unjust. (Hear, hear.)⁴³ Yet, strange to say, in this very bill, when it was a question of £5,000 for Upper Canada, it was provided that the money should be distributed by Parliament. That is, Upper Canada must spend its own money, however small the sums submitted to the direction of the ministry. This was a wretched system. It was bad enough when the grants for education in Lower Canada were perverted to the purposes of corruption, by being given only to counties returning those members who supported the ministry.⁴⁴

Cries of No!⁴⁵

MR. A. DORION. — Why that was boasted of in the organ of the Ministry, and it was proved by figures in the House.⁴⁶ If we affirm the principle of these resolutions the money will be distributed among the colleges and educational institutions in Lower Canada by the partizans of this honourable house. (Hear, hear.) Grants would only be made to those places represented by candidates here. (Hear, hear.) Have not sums been distributed to educational institutions which were not in existence at the time they were voted, while in fact their very applications for acts of incorporation were going through this house? That, indeed, was bad enough, but when every year the Administration were endeavouring to get those grants sanctioned, there was a hope that the representatives of the people, by calling attention to this glaring fact of injustice, would be able to root out that system, and to get a better one for distributing funds for educational purposes. I am not disposed to give sums for the higher branches of education merely, but if aid is to be given, it should be given by an annual vote properly applied. I have reason to believe that the inconvenience which the Administration will feel in bringing forward every year grants for petty colleges and small institutions will bring the people to consider that it is necessary to have these grants fixed⁴⁷ by a general law, or by annual votes in Parliament, which would give occasion to investigate every demand as it came.⁴⁸ I say, that not only is it most extraordinary that we of Lower Canada should be called upon to assist in such unjust acts, but it is insulting to the people of that section.⁴⁹ Why was not the same thing proposed to Upper Canada? Because the ministry knew that the people of Upper Canada would not relinquish their rights. They, however, did not hesitate to tell the people of Lower Canada that their representatives could not ... manage this money, but that the whole patronage of £22,000 must be left to the Superintendent of Education, and with the Government. It might be supposed that the proposition would be made palatable to Lower Canada members by the probability of £22,000 a-year, being obtained immediately.⁵⁰ They wish us to believe, likewise, that that sum of £22,000 will be kept up. How does the Hon. Provincial Secretary intend to form that sum from year to year, in connection with the considerations attached to the Jesuits' Estate. I find that the sum of £5,000 is to be taken from the Consolidated Revenue Fund for the encouragement of superior education in Upper Canada, to be distributed among the collegiate educational establishments in that part of the Province, or such of them as the Legislature shall designate. I understand that another sum of £23,000 which is invested, would yield a sum of £3,180, as was stated by the hon. Provincial Secretary. — The sums put together would only make a sum of £8,000. To reach the sum of £22,000 there would then be £16,000 to be provided for out of the Jesuits' Estates Revenue. And I find on reference to the Public Accounts that £53,000 is invested in Debentures, and instead of there being left a revenue of £3,500, there would only be £2,800. When the whole sources of revenue applicable to this fund are taken into consideration, they would only amount to £11,000 or £12,000, instead of £22,000. How the latter sum is to be made up I do not know. It appears that the revenues and interests arising from the Jesuits' Estates Fund, with the unexpended and unclaimed yearly balances of the Common School Fund for Lower Canada, and a yearly sum of £5,000 from the Consolidated Revenue Fund of this Province, with an additional sum from the School Fund of Lower Canada, are intended to form this

£22,000 per annum, to be appropriated as an income fund for the objects of College education. But I see by the statement laid before the house a few days ago upon the motion of the hon. member for Arthabaska, that this Common School Fund has been appropriated in so many divers[e] ways, that a portion of that fund for 1853 was expended in 1854, and a portion of it for 1854 was expended in 1855, and that at the present moment the same system is going on, and the balance available for the second half year of 1855, is £7018 12s 5d, which leaves a deficiency. That is the way that the Common School Fund of Lower Canada has been managed. Well, if we vote for these resolution[s] we authorize the administration to take money away from that fund in Lower Canada, and apply it to the £22,000, to be annually appropriated to Collegiate education in Upper Canada, and what will be the consequence? Why for several years to come there will be a deficiency of something like £7,000, and we give authority to the Administration to draw upon the Common School Fund of Lower Canada, to make up the sum of £22,000, and that too at a time when they come down and say, they do not know how to increase that fund. We have it stated in the sixth resolution, "that the Governor in Council be authorized to adopt all needful measures for the establishment of one or more Normal Schools in Lower Canada, containing one or more Model Schools, for the instruction and training of teachers, to select the site or sites for the same, and to erect or procure the requisite buildings and appurtenances." The effect of the whole will be, that the Jesuits' Estate Fund is saddled with the permanent vote of a sum which amounted to £4,400 last year, and which was in 1854, £3,500. That item pays the salary of the School Inspector. By the law of 1851, it comes out of that fund. Taking these two years together it would give the sum of £3,963, and £4,000 would, therefore, be taken out of that Revenue which I have shown to be only £7,500. So that really the whole of this £22,000 is to consist of £7,000, less the salary for the School Inspector, to which must be added the £5,000 to come out of the Consolidated Revenue, making in all the sum of £8,612. Now the resolutions provide, that £2,500 shall come out of the Common School fund for the Normal Schools, and there would have to be £1,112 added to the appropriation out of the Consolidated Revenue Fund.⁵¹ Instead of those large grants to superior schools he would prefer to give the unappropriated balances to common schools, until a sufficient sum could be taken from the consolidated fund for making a suitable grant.⁵² But in any case, let the Common School fund receive the benefit of addition. The resolution which provides for three Normal Schools I have read. One is to be annexed to McGill College, Montreal, another to the University of Laval in Quebec, and another shall be under the Superintendent of Common Schools. I do not know why this difference should be made.⁵³ It was ... true that the Provincial Secretary had said that this was only intended to give accommodation in the buildings of those in[s]titutions to the moral [sic] schools; but in the same breadth [sic] he had declared that the McGill College was to have a building which the Government had bought for a normal school. This seemed inconsistent.⁵⁴ I am very much afraid that these three Normal Schools will prove a failure. (Hear, hear.) It would be much better to provide for one large Institution, where the English and French population⁵⁵ [of] all sects and classes⁵⁶ will be upon an equal footing, (hear, hear,) and put it under the immediate supervision of the Superintendent of Education, aided by a Board of Education, than to go into the present arrangement. We shall not have teachers enough to support three schools, therefore they will be institutions of an inferior class. But we have been asking for Normal Schools so long that I will not quarrel as to the mode in which they should be placed. I will give the hon. Provincial Secretary credit for bringing forward any measure which shall give us the benefit of proper education, and efficient teachers for our Common Schools in Lower Canada⁵⁷, though ... [I] must still declare that one good school would be better than the three inferior ones.⁵⁸ I would like to see Normal Schools, and the whole system of Common Schools in Lower Canada placed under the immediate supervision of ... a Board of Education, and the advantages of having such a Board must be patent to all.⁵⁹ If it had been in existence some years ago the influence of its members would have prevented the opposition to which the school law was subjected.⁶⁰ Such a Board existed in the States, and in Upper Canada, and the beneficial working of such a body was evident. But in none of the Superintendent's reports had such a suggestion been made, and I do think it is for the Legislature to take the subject into their serious consideration⁶¹, considering the advantage which must accrue from bringing to bear in favor of education

the influence of twenty men, each as influential as the superintendent himself. He would not, however, object to the details of these arrangements, being quite ready to accept them as proposed.⁶² I regret that this fund for the higher educational institutions is made too large, and that proper provision is not made for primary education, and I object to the whole manner in which it is proposed to distribute this fund. No hon. member for either section of the Province should consent to so large a sum as £22,000 being appropriated at the mere whim of the Government, and the Superintendent of Education. (Hear, hear.)⁶³ As well might they give up voting the supplies, and allow the Ministry to take whatever amount they wished from the public fund.⁶⁴ I consider this as one of the greatest constitutional questions. But I am willing to accept the system of Normal Schools as proposed, rather than to have none.⁶⁵

MR. FELTON was surprised that the honorable member for Montreal should object to the scheme of the honorable Provincial Secretary before it was fully developed; but from the observations that hon. gentleman made it was quite evident that he did not understand it. He was quite sure the hon. member for Montreal did not understand the proposition or he would not have said that it was proposed to rob the Common Schools of Lower Canada of £4,000 or £5,000 a year to support the proposed Normal Schools. It was a fact that the Common Schools of Lower Canada did not make use of all the money granted to them. There is a large portion of that grant unabsorbed.⁶⁶

MR. A. DORION. — How does it happen that there is a deficiency for 1855?⁶⁷

MR. PROV. SEC. CARTIER. — There is no deficiency for 1855, which he could easily show.⁶⁸

MR. FELTON considered the plan here projected a most admirable one. It proposed to absorb all the surplus funds remaining after the Common [sic] Schools had been supplied, from the fund, for the support of Normal Schools.⁶⁹ As to the distribution of the grants, he considered the best course was, that they should be distributed by the government with the advice of the members of this house, who he contended, were the parties best fitted to advise in those matters.⁷⁰ But the hon. member also assumes that a large portion of the Common School fund is voted by favoritism. This was the revival of an old story; it was stated last year that in several instances money had been appropriated and the people did not make a proper use of it; but the hon. gentleman was going a little in advance to find fault. Within eight or ten days the Report of the Superintendent of Education will be before them, and they would then see that such was not the case.⁷¹

MR. HOLTON. — Why not wait for that report before pressing these resolutions?⁷²

MR. FELTON. — Because this is a question of Normal Schools, but if the hon. gentlemen [sic] would wait for that Report, he would find these complaints were entirely unfounded, or if not entirely unfounded, there were only one or two instances. He knows that a bill was introduced compelling [sic] every Institution receiving aid to report to the Superintendent of Education, and if they did not report, their grants would be stopped, the consequence will be that all institutions that ask for a renewal of their grant shall only receive that grant in proportion to the good use they have made of the sums they have already received. The hon. member for Montreal objects also to there being three Normal Schools proposed instead of one as in Upper Canada. He is afraid the result will be to destroy the whole system by dividing the grant into small sums. But Lower Canada is differently situated from Upper Canada. None of its cities is so centrally situated, and consequently it shows a greater necessity for decentralization than in Upper Canada. The hon. gentleman takes Upper Canada as his type, and he (Mr. Felton) would say that they are assuredly entitled to the highest credit both for Common School and Normal School instruction. But he did not find from the Reports on Education in Upper Canada, that the hon. gentleman's position could be maintained. On the contrary, they afford abundant proof that his position is wrong. From the commencement of the Normal School in Upper Canada up to the year 1855, a period of seven years, 1476 Normal School scholars have been educated; and out of that number no less

than 635 came from [the] three counties of York, Ontario and Peel: that was, nearly the half of all the pupils from the immediate vicinity of the school. And there is also this fact, that the Common Schools in these counties in 1855 numbered 295, or about three Normal School teachers for every school. In all the other counties within fifty or sixty miles of the Normal school, the number of Normal School scholars is entirely disproportionate⁷³. Large counties at a distance with 200 or 250 schools, had only 25 or 30 teachers sent out from the Normal School⁷⁴, and from the remotest counties hardly a teacher comes to this central school. Another fact in connection with this was important. Out of the 1476 teachers that have attended the Normal School, 973 have received Government [sic] allowance of 5s a week for their support, amounting in all to the sum of £5050. There is no doubt that a large portion of that sum went to pay persons who never became teachers at all, and also that the teachers are selected from within a few miles of Toronto, to be scattered all over the country. The hon. member is in favor of one school, and he undoubtedly thinks Montreal entitled to it; but if so, not only the half but he was sure two-thirds or three-fourths of the teachers of Lower Canada would come from Montreal and its immediate vicinity. The plan suggested was better, because neither Montreal nor Quebec were so centrally situated for Lower Canada as Toronto was for Upper Canada. In fact, the more the system of decentralization was pursued, the more would the people be educated. If his honorable friend's plan had been adopted, parties living in the remote parts of Lower Canada would never be educated at all to be Normal School teachers. They might get a few from Quebec, but the distant parts would be entirely neglected. The honorable member (Mr. Felton) then referred to the improvement in Common School Education in Lower Canada within these few years⁷⁵. He believed that education was now rapidly increasing. It was much to be regretted that the number of children attending school in Lower Canada was greatly less than in Upper Canada. But, looking at the returns for last year, and some figures which had been shown him by the Superintendent of Education, he was glad to find that⁷⁶ while in Upper Canada the increase of Common School Education from all appe[a]rances has been only seven per cent, it has been twelve per cent in Lower Canada. He thought that education in Lower Canada would compare favorably with that of any other country in the whole world, and therefore that the honorable member for Montreal was not at all justified by the facts in opposing the scheme of the honorable Provincial Secretary.⁷⁷

MR. SANBORN was pleased with the idea that the Government were about to establish Normal Schools in Lower Canada, for if they could get Normal Schools in Lower Canada to give a character to their Common Schools, and to produce a uniformity in the school system such as that possessed by the schools in Upper Canada it would be very desirable. But it appeared to him that the proposition now submitted was entirely different from that of the Normal School system of Upper Canada⁷⁸, and he confessed he could see no sufficient reasons for the change in the circumstances of geography and race in Lower Canada, which had been mentioned.⁷⁹ If a Normal School intended to be national in its character, to stamp its impression upon the Common School system, and to produce a uniformity in books and teachers it was desirable there should be but one school. Whether that school was centrally situated or not, was a matter of little importance; at least it did not seem to him of so much importance as some members seem to think. The expediency of locating these Normal Schools in cities or even large towns, is contrary to facts, for it was a matter of history that schools flourish more in rural localities than they do in cities. There are other reasons. If they were to have teachers of the best quality, men who will give their best attention to qualify themselves for the task, men who will raise the character and standard of our schools, he would maintain that these teachers, or at least a large proportion of them, are men of the country districts and not of the cities. It is a fact that young men go from the country to the cities — the great centres of the population of the country — and then they grow up and become enterprising men. It is an indisputable fact that these young men acquire distinction in the cities in a much larger proportion than the young men of the cities. The particular circumstances which surround the young men of the cities are not such as to prepare them, either in constitution, in habits, or character, or to make them the best calculated to become men of enterprise. There was another thing worthy of

consideration. The expense incurred for board at those schools, and a thousand other incidental expenses, is far more in cities and large towns than in the country. This is a great obstacle thrown in the way of having these schools located in the cities. It is not the casual expense of travel to any place where the schools might be located that would be the great item of expense; but the expense of board at the place where the schools are established.⁸⁰ But, assuming the Provincial Secretary's views to be correct, he did not go far enough. If they did not have one central national Normal School the next best system was to furnish the facilities for the training of teachers in the higher academies in every district of the country.⁸¹ He was not sure, but such a system would be equally advantageous to the people.⁸² This, however, was neither the one scheme nor the other.⁸³ He desired to call the atten[t]ion of the Provincial Secretary and of all hon. members to the necessity of some steps being taken to raise the standard of common schools in Lower Canada. This was a matter of universal interest. It was important that they should afford to rural districts, a fairer share of the common school appropriation, and by Legislative enactment afford facilities in rural localities for the training of teachers for these schools.⁸⁴ The portion of the Provincial Secretary's scheme for placing in the hands of the Government instead of the house, the distribution of the grants to the academies throughout the country, was also highly objectionable⁸⁵ and [he] asked why Lower Canada should be placed on a different footing from Upper Canada in that respect?⁸⁶

MR. THIBAudeau. — Because we are an inferior race.⁸⁷

MR. SANBORN did not admit that, and did not approve of resigning the control out of the hands of the masters into the hands of the servants. That was to establish a kitchen government. Besides, last night members of the government had above all things condemned sectional legislation. It had been said very justly by Mr. Dorion that the old system was bad enough⁸⁸, the Government taking care, through the vote of their majority in the house, that the counties represented by hon. gentlemen supporting them got large grants, while the counties represented by hon. gentlemen of the Opposition got very little.⁸⁹ The fact that they did so had been contradicted, but the Provincial Secretary could have no doubt of it himself.⁹⁰

MR. PROV. SEC. CARTIER. — I have a certainty to the contrary.⁹¹

MR. SANBORN would cite some facts in support of his opinion. In the next county to his, Stanstead, there had been £75 given to one and £50 to two other academies. In his county only £50 was given at his request, but the Government had given another £50 to a township which had voted for the present member for Wolfe, though he (Mr. Sanborn) could not get it. The same member got £300 for the St. Francis College, which at the time of the grant had not even an existence, though it had since been put in operation. This had done a great deal of good no doubt. The same gentlemen had obtained £75 for Danville Academy and another £75 for Dudswell, he believed, very much to the surprise of the people there, seeing that there were not any schools there at that time, though they were making good use of the money now. Then in Mississquoi County there were £100 given to Dunham, £75 to St. Francis, £75 to Farnham, £125 to Stanbridge, £150 to Philipsburgh and two other schools, £75 to Sutton and £25 to Knowlton.⁹² He did not, however, object to these grants, because the money, he had no doubt, would be appl[i]ed to the education of the people, but the system of distribution was erroneous, and no doubt, required to be entirely changed.⁹³ He would also be glad to see the Government make a large appropriation from the Consolidated Fund for the purposes of education, and was sure that Upper Canada would not complain even if Lower Canada got more than her share, even if it were only employed in affording secular education on a national system.⁹⁴

MR. TERRILL, the member for Stanstead, considered that the remarks of the hon. member for Compton were quite uncalled for. He must admit that the grants to which he had referred were well applied, and he should not complain if the applications of some hon. gentlemen had been more successful than his own.⁹⁵ With regard to the Georgeville Academy grant, he (Mr. Terrill) had obtained

it at the same time as Mr. Sanborn obtained the grant for Compton. He and his friend at that time stood on similar ground as respected the ministry, and he did not think that either had supposed he was selling himself to the Government for a paltry £50 to a grammar school.⁹⁶

MR. SICOTTE the SPEAKER announced that it was six o'clock, and left the chair.⁹⁷

The House then adjourned ... for the evening recess.⁹⁸

After the recess,⁹⁹

MR. TERRILL resumed his remarks, in reply to Mr. Sanborn.¹⁰⁰ [He] spoke at some length on the various grants made for educational purposes, and stated that he saw no grounds for complaint against the Government¹⁰¹, in reference to the manner in which the grants ... had been made. He was at a loss to know how the circumstance of his constituency having received any of those grants weighed against the honesty of his position as a member of this house. He did not admit that he was a blind or out-and-out supporter of the Government. He was glad when he could support them, but sometimes he felt it his duty to oppose them. He did not think his friend from Compton had presented many applications for grants, and if he had failed to get them because he failed to ask for them, that was no reason why he should complain of those who had ... grants, or of the Government for giving them. His hon. friend took up the question of Normal Schools, and thought the scheme was wrong some way or other. He thought there should either be fewer or more, and indicated that there should be one about Sherbrooke. He (Mr. Terrill) was sorry the scheme did not go the length of having one in the St. Francis District. If there were three to be established, instead of there being two in Montreal, he would suggest to the Provincial Secretary whether one might not be located where he had mentioned.¹⁰² He was of opinion that one Normal school would not be so effective as two or three, and instead of having too many, he was only afraid there would be too few. If there was only one such establishment, he did not suppose it was very likely to be elsewhere than in one of the large cities in Lower Canada, and therefore could not think there was much in what Mr. Sanborn had said in favor of rural neighbourhoods. His friend had created some amazement by his stories of the many grants that had been made, but he would probably have created quite as much if he had told how money voted for a female school in Sherbrooke had been drawn by the female branch of the male school existing in that town, in which male school he (Mr. Sanborn) had done his country good service as an instructor. He regretted, however, that on this question of the schools the members for the Eastern Townships could not work together for the common benefit.¹⁰³ Objections were raised to the scheme of the distribution being made by the Governor in Council.¹⁰⁴ He did not see much difference, as regards the mode of the grant to education, between our present system and that proposed in this ... [scheme]; unless in this respect, that the proposed scheme would tend to equalize the grants for educational purposes so much complained of at present.¹⁰⁵ The difference ... was really nothing at all, for the house, if dissatisfied with the distribution, would still have the opportunity of giving effect to their wishes, by voting want of confidence in the Administration. He would be glad to see further appropriations made for elementary education, and he had been happy to hear that the Provincial Secretary had intended to lay before the house a measure for that purpose in the course of a few days. If there was one thing in which the Government should be liberal, or might even be excused for being too liberal, it was in furnishing the means for spreading education over the country¹⁰⁶; and he (Mr. T.) would never find fault with them for grants made for such purposes.¹⁰⁷

MR. HOLTON regretted the absence of the senior Superintendent for Education in Lower Canada, and attributed his absence to the want of good faith which the Government had exhibited all through the session;¹⁰⁸ [OR he] regretted with his hon. and learned colleague (Mr. Dorion) that they were called on to discuss this subject in the absence of the report of the Superintendent of Education. He regretted also that the Provincial Secretary had not ventured to grapple with the question like a

statesman, or to propound any comprehensive scheme for improving the elementary as well as superior education of Lower Canada. But it was in vain to expect anything comprehensive from the present makeshift Government. (Hear, hear.)¹⁰⁹ It was just the same frittering away of time — the same nibbling at the edge of important subjects, that they had always shown. He drew the attention of the House, and especially of the liberal members present, to one of the resolutions, which, in his opinion was a very extraordinary one¹¹⁰, [and] which was a characteristic indication of the strongly Tory character of the Government. They proposed to create a fund of £22,000 per annum, the disposal of which was to be kept entirely in their own hands, enabling them to make stipendiaries of the professors and managers of all the academies and colleges of the country. (Hear, hear.)¹¹¹ These resolutions if carried out were, in fact, handing over Lower Canada to the power of the Executive, and he condemned them for that.¹¹² Further, it struck him as a little extraordinary, that the Inspector General should consent to £10,000 being taken out of the Consolidated Fund, before he had moved the house into Committee of Supply, or made those statements regarding the financial position of the country, which he should have made long ago. (Hear, hear.) He would like to know whether the Inspector General adhered to his former declaration that he intended to make no material changes in the tariff. It was time that the hon. gentleman should, without further delay, make those statements which the country was anxiously expecting.¹¹³

MR. FERRES supported the resolutions. They contained several principles, in every one of which he thought the House ought to concur. In the first place there was a complete settlement of the Jesuits' Estates. The proceeds of those estates had all along been principally or entirely devoted to superior education, and not to Common Schools. He recognized in the first resolution the principle that those Estates should continue to be devoted to superior education, and in that principle he entirely concurred. It was necessary, however, to increase that fund from other sources, and in doing so he considered that the Provincial Secretary had proceeded on sound principles. The Provincial Secretary had been blamed for not increasing the Common School Fund. The hon. gentleman replied that he intended to do so. But it appeared, also, that there were every year unexpended balances of the Common School Fund, which seemed to be an argument in reply to the complaints that it was not increased.¹¹⁴ There was a yearly balance over, up to 1855, of £4,454, and this year the balance would perhaps amount to £7,000, which balance should be applied to the establishment of libraries and education in general.¹¹⁵ He agreed in the other principle of the Provincial Secretary that those unexpended balances should be devoted to superior education, for those balances remained after all the wants of the people for Common School Education were supplied.¹¹⁶

MR. PROV. SEC. CARTIER. — So far as they have complied with the law.¹¹⁷

MR. FERRES. — Certainly. The next resolution contained a provision for the establishment of parish and township libraries. He could not conceive a better object to which to devote educational funds. As to the resolution establishing Normal Schools, he was not yet satisfied that three were necessary, but two at least were required by the circumstances of the country. He did not think the country could afford to support more than two in an efficient way. There was a French and an English population, and it was obvious that education of that kind could only be properly communicated in the language of the party receiving it. There must, therefore, be an English Normal School and a French Normal School. The next principle he found in the resolutions was that aid should be extended to those who were being trained as teachers. He thoroughly approved of that. It was objected that this £22,000 was taken from under the controul of Parliament. He was exceedingly surprised by that objection. He was not aware how a single shilling from the public chest could be taken beyond the reach of Parliament.¹¹⁸

MR. GALT. — Read the resolution.¹¹⁹

MR. FERRES read the resolution to the effect that the money should be distributed by the Superintendent of Education, in such way as the Governor in Council shall direct — (Hear, hear,) — of course. But that did not contradict his statement.¹²⁰

MR. HOLTON. — Is there no difference between that and the distribution of £5,000 in Upper Canada by a parliamentary vote.¹²¹

MR. FERRES said there was no essential difference, and the scheme now proposed had the advantage of placing the whole education of the country, except that of the Universities, under the control of the Superintendent of Education.¹²²

MR. SOMERVILLE thought the Government deserved great credit for having brought this subject before the house.¹²³ These resolutions showed that the Govt. had a desire to promote education in Lower Canada¹²⁴. But he did not agree that the resolutions were sound in principle. He could not approve of this house delegating to any other party its control over the distribution yearly of £22,000 of the public money. (Hear, hear.)¹²⁵ Surely the Government would neither distribute the grants at haphazard, nor leave them entirely in the hands of the Superintendent of Education.¹²⁶ The grants to the Eastern Townships had been frequently referred to in the course of this debate. He had looked over the accounts and found that they got a great deal more than their share. — While Compton, Stanstead, Wolfe and Richmond got £1,000, Napierville, Huntingdon and Chateaugay, with an equal population, got only £250.¹²⁷ He considered that the system of distribution should also undergo some change in order that it might be equally beneficial. The only reasonable plan was to divide it according to population. In regard to the Normal Schools, he considered that the object aimed at was to educate teachers for the whole of the Province, and if so, could not see why one building would not do for the whole of Lower Canada. It seemed to him perfectly absurd to have three different buildings — while one building with French and English [sic] teachers, would be both more economical and every way better. In Upper Canada there was but one school, although it was true they only taught English, but there was nothing to prevent them having both French and English teachers in the same building. It was not his intention to oppose the resolution. He was glad that Government had taken such a step, and he hoped they would bring down some measure by which the whole system of grants would be changed, in order that the money might be more equally divided.¹²⁸

MR. TURCOTTE was sorry to differ from the Provincial Secretary, but he must do so to-night. For a long time there had been a bad system of education for Lower Canada.¹²⁹ Il y a trop de collèges et de *hautes maisons* d'éducation où l'on enseigne le grec et le latin, et pas assez de bonnes écoles pour enseigner les choses utiles et pratiques. Il y a trop de jeunes gens dans le Bas-Canada qui savent le latin et un peu de grec, et trop aussi qui ne connaissent rien du commerce, de la mécanique et de l'agriculture, choses qu'ils considèrent indignes de leur considération. Il y a des collèges dans presque toutes les paroisses, et cela finira par détruire les écoles communes.

Et on veut encourager ces collèges au détriment des écoles communes. Il voudrait qu'on accordât ces £22,000 aux écoles primaires au lieu de les accorder aux collèges et de perpétuer un système d'éducation inutile et souvent nuisible. Les collèges et les hautes maisons d'éducation ont des sources de revenus suffisantes pour les maintenir.¹³⁰ It was, he thought, a most dangerous and unconstitutional practice to leave the control of the superior schools, proposed to be sustained by this fund, in the hands of the Government, to the nullification of the Legislature.¹³¹

MR. PAPIN said that the question of Education should not be made a party question. All should shake hands over it. What did the people demand? It was, that Elementary Schools should be placed on a better footing. That was demanded by the whole voice of the country. — But to all these demands, the government had turned a deaf ear. Instead of coming down to the house to ask for this immense

sum for superior education, they should have brought forward a plan for the improvement of Elementary Schools.¹³² [He] was willing that there should be schools in all the parishes,¹³³ and they should elevate the character of the common schools, by giving instructions in the sciences, and in agriculture, in commerce, &c. The chief cause why Elementary Schools had not been supported, was that the teachers had not been paid sufficient salaries. Were good salaries held out, their character would be raised.¹³⁴ Well, then, instead of augmenting the fund applicable to that purpose, it was now proposed to diminish this fund. That was what he would not consent to.¹³⁵ He could not vote for these resolutions, until he was assured that nothing would be taken away from the Common School Fund. It was to be regretted that in a question of this nature, the government showed to[o] much parsimony. They let the Common School system starve, while they voted millions sterling to the Grand Trunk. (Hear, hear.)¹³⁶ Nor had ... [they] been so parsimonious in increasing the salaries of ministers and members of the House.¹³⁷

MR. PROV. SEC. CARTIER laughed.¹³⁸

MR. PAPIN. — Grimace was the only answer the Provincial Secretary could give. But he was about to condemn the manner in which the ministry had prostituted the patronage which it had in its hands, not only for the purpose of corrupting members, but even for the purpose of corrupting constituencies throughout the country; thus not only destroying elementary education, but it struck at the root of the moral and political education of the country. The fact of this favoritism might be denied, but it was loudly proclaimed by the organ of the ministry, the *Minerve*.¹³⁹

DR. MASSON having made some observations,¹⁴⁰

MR. PAPIN said the member for Soulanges said what he had stated was correct.¹⁴¹

DR. MASSON had not said so.¹⁴²

After some altercation, Mr. PAPIN said he was glad to hear the member for Soulanges say that was not his opinion and he would sit down, to allow that gentleman time to explain.¹⁴³

DR. MASSON saying nothing,¹⁴⁴

[MR. PAPIN continued:] If the government wished to promote the education of the country, they must lift themselves out of the mire of corruption in which they were now wallowing. (Hear, hear.) Notwithstanding the denial of the Provincial Secretary, he held that there could be no doubt, that the grants had hitherto been chiefly given to those members who supported the government, and under the proposed system, there would be still greater facilities for this unjust and partial distribution.¹⁴⁵

MR. PROV. SEC. CARTIER ... [made] a remark about the College of St. Henry de Mascouche¹⁴⁶.

MR. PAPIN ... [answered] that in that case the College had received only £50, while a much less considerable institution at St. Vincent de Paul received £150. The consequence was, that the Directors of the College of St. Henry applied, through the member for Laval, a ministerialist, and they got their grant increased. He rejoiced at the fact that they had got it; and¹⁴⁷ he would advise all the Presidents of Institutions in counties, represented by members of the Opposition, to send in their applications to a ministerial member, and then they might perhaps reckon on receiving aid¹⁴⁸. But he held the system to be in the last degree vile and immoral. The proposed changes, however, were only intended to throw the means of this kind of corruption into the hands of ministers, with less control than ever. He ... [then complimented] Mr. Turcotte upon the patriotism which had induced him, notwithstanding his

sincere support of the ministry in general, to condemn their present scheme.¹⁴⁹ He concluded, by moving in amendment — “That instructions be given to the committee to resolve, that this house regards as one of its most important privileges, the right of having the control over all public monies of the country, and that this house would be wanting in its duty, if it were disposed to abandon this right, so far as concerns the disposal of the public money for the purposes of education, and to leave the distribution to the arbitrary will of the government or its officers.”¹⁵⁰

MR. INSP. GEN. CAYLEY then rose and said, the hon. member for Montreal, (Mr. Holton), must have felt, that after so impassioned an appeal, I could not help rising. I must increase the anxiety and doubt, which appeared to rest upon my honourable friend’s mind. Aware that he feels, that all the talents, comprehensive minds, and statesmen in this house, are to be found ranged along the Opposition benches, he must feel that every hour’s delay only increases our difficulty to meet those exigencies which he has once or twice alluded to in very strong, and I must say, very serious terms. I am aware, that we are badly able to cope with the hon. gentleman’s imagination. If I were, in fact, to make known to this house, one single feature which is passing in his mind, I would satisfy the house, how much interested he is in public affairs. Since I have been in this house, I have been asked to hand over all the revenues of the Welland, St. Lawrence, and Lachine Canals, to enable the hon. gentleman to build the Caughnawaga Canal. (Sensation.)¹⁵¹

MR. HOLTON. — I desire the hon. Inspector General to be explicit. He is making statements in regard to me, quite erroneously. Perhaps he is confounding me with some other hon. gentleman¹⁵² who sits on this side of the House¹⁵³; but I wish him to state to the house, whether he has had any communication with me, or from me, in relation to the statement he has just made.¹⁵⁴

MR. INSP. GEN. CAYLEY. — I am wrong.¹⁵⁵

MR. HOLTON. — You are perfectly wrong.¹⁵⁶

MR. INSP. GEN. CAYLEY. — I thought that Mr. Holton or Mr. Galt asked me a few minutes ago, “What answer I had to make to their proposition?” Perhaps I am wrong in associating him with Mr. Galt — (Order, order) — and I humbly beg pardon. There is a little difference then in the talent of the gentlemen on the other side. I thought that he had extended his talents to the other gentleman.¹⁵⁷

MR. SICOTTE the SPEAKER. — The hon. member is out of order in calling the hon. gentleman “Mr. Galt.”¹⁵⁸

MR. INSP. GEN. CAYLEY. — Well, I am very sorry, and of course the Speaker is right to correct me. I should have said the hon. member for Sherbrooke, and the hon. member for Montreal. Perhaps I shall be equally wrong if I depart from the subject of the debate, and go into the consideration of the public improvements and the Caughnawaga Canal. I see what is passing in the hon. gentleman’s mind. It is that I am to hand over the revenues of all these canals and their water and hydraulic privileges to build the Caughnawaga Canal, for a period of twenty-five years, and then I suppose to be returned to the hands of the Province in the *best possible* state! That very Canal which we have heard from the hon. member for Lincoln —¹⁵⁹

MR. SICOTTE the SPEAKER. — I must again call the hon. member to order. I stopped the hon. member when he was alluding to the financial condition of the country, and I suppose it is open to the same objection when he is enlarging upon canals.¹⁶⁰ [OR] I stopped the hon. member for Montreal from alluding to this state of the country while discussing these resolutions, and I think I should not be doing my duty to allow the hon. Inspector General to enter into a discussion about the canals.¹⁶¹

MR. INSP. GEN. CAYLEY. — Then I will not go into the canals; though perhaps in this respect I shall be producing more than one disappointment; but I cannot refrain from making some observations in connection with figures. A remark was made just now as to whether we were going to make any modifications in the tariff. My answer is “nothing of any great importance,” but at that time I had not had the opportunity of weighing in my own mind the warning I had received from the hon. member for Sherbrooke. It will be recollected that the hon. member for Sherbrooke, some two or three years ago, on his visit to England, or rather shortly after his arrival in the Canadian world, was astonished with that extraordinary scheme being announced, “The Grand Trunk Railroad.”¹⁶² [OR] That gentleman went to England some years ago, and very shortly after his arrival in England, the Canadian public were astonished — they were bewitched with the most extraordinary scheme — that Grand Trunk Railway. (Order, order.)¹⁶³

A Member. — What has that to do with it?¹⁶⁴

MR. SICOTTE the SPEAKER. — I call the hon. gentleman to order.¹⁶⁵ The hon. member must remark that there is no question of the Grand Trunk Railroad.¹⁶⁶

MR. INSP. GEN. CAYLEY. — I shall sit down, because I feel I have trespassed [sic] on your time and the time of the House, not being able to speak now, but we shall meet again and fight it out, that is all.¹⁶⁷

MR. BROWN rose and with considerable vehemence said, that the House had been treated to a most extraordinary exhibition by the hon. gentleman who holds the high position of Inspector General of Canada.¹⁶⁸

MR. INSP. GEN. CAYLEY. — I trust I shall be at liberty to reply to the hon. gentleman. (Order, order.)¹⁶⁹

MR. BROWN. — The hon. gentleman has taken upon himself to attack an hon. member of this House who is not in his seat, and I am astonished that he should wish to prevent a reply.¹⁷⁰

MR. INSP. GEN. CAYLEY rose to speak.¹⁷¹

MR. BROWN. — The hon. gentleman will please to keep order!¹⁷²

MR. INSP. GEN. CAYLEY. — I rise to order. Have I attacked him?¹⁷³

MR. SICOTTE the SPEAKER. — I heard nothing that could be called an attack on the hon. member for Sherbrooke.¹⁷⁴ (Hear, hear.)¹⁷⁵

MR. BROWN. — Has not the hon. gentleman attacked the member for Sherbrooke? I have some knowledge of the matter which he so mysteriously hinted at. It happened to reach my ears about twenty minutes before the hon. gentleman rose.¹⁷⁶ (Hear, hear.)¹⁷⁷ And I was about to put a paper in the hands of the clerk, to give notice that I would move for the return of the correspondence which has taken place between the hon. gentleman (Mr. Cayley) and the gentleman to whom he has alluded. The hon. member for Sherbrooke so far from being afraid to have the matter discussed to which the hon. gentleman has alluded, seeks a full discussion of his scheme; when it is explained to this house, it will be found, that so far from his having any cause to shun discussion the very reverse is the case.¹⁷⁸ It would be found, perhaps, that the Inspector-General was the person who would have to explain his conduct.¹⁷⁹ What — (Hear, hear. Order, order.)¹⁸⁰

MR. SICOTTE the SPEAKER. — I acknowledge that the Hon. Inspector General alluded, in answer to the hon. member for Montreal, (and in a joking manner) that he intended to make a charge against the hon. member for Sherbrooke, but he was not using the name of the hon. member for Sherbrooke personally.¹⁸¹

MR. BROWN said these covert in[n]uendoes were far more — ¹⁸²

MR. INSP. GEN. CAYLEY. — I hope the hon. member will allow the member for Sherbrooke to defend himself, and not apologise for that hon. gentleman. He will not thank the hon. member¹⁸³ —

MR. BROWN. — Whether he thanks me or not he will have a very strange opinion of the Inspector General, who it now seems has been drawing on that hon. member and the hon. member for Montreal (Mr. Young) to make a proposal — ¹⁸⁴

Order, order, from the Ministerial side¹⁸⁵.

MR. SICOTTE the SPEAKER. — I must call the hon. member to order.¹⁸⁶

MR. BROWN. — Well, Sir, I shall leave it to the hon. member for Sherbrooke¹⁸⁷, [who is] now in his place¹⁸⁸, to reply hereafter to those strange innu[e]ndoes of the Hon. Inspector General. (Order, order.) And coming to the question before the house, I think it would have been far better if the Hon. Inspector General, instead of indulging in such personal attacks, had favoured the house with an explanation of the financial features of the scheme — ¹⁸⁹

MR. INSP. GEN. CAYLEY. — I was not allowed permission to go on and explain. I think it is unfair for the hon. gentleman opposite (Mr. Brown), to trump up such charges against me. I have made no such charges against the hon. member for Sherbrooke.¹⁹⁰ But it is the hon. gentleman's usual way — he misstates a fact and then argues from that misstatement.¹⁹¹

MR. BROWN. — The hon. gentleman seems in a state of great excitement. He will neither speak himself nor will he allow any one else to do so without interruption.¹⁹² I think we might have expected from the hon. gentleman, when a scheme of this importance was put before us, some definite explanation as to how the financial part of the Provincial Secretary's scheme is to be carried out. I think that the money question, enters largely into this proposition.¹⁹³ The hon. member from Montreal [Mr. Holton] was perfectly correct when he called upon the Inspector General to state how the money was to be provided. He [Mr. Brown] did think the hon. gentleman should have given some explanation in regard to these figures¹⁹⁴ instead of going into the question with which he had amused the House, and which had nothing to do with the business before it¹⁹⁵. The scheme of the hon. Provincial Secretary proposes, "that the revenues and interests arising from the said fund, with the unexpended and unclaimed yearly balances of the Common School Fund for Lower Canada, and a yearly sum of five thousand pounds from the Consolidated Revenue Fund of this Province, with such further sum (if any) from the Lower Canada School Fund, as may be necessary to make up a total of twenty-two thous[a]nd pounds yearly, be appropriated as an income Fund, applicable yearly to the purposes aforesaid — that is, for Superior Education."¹⁹⁶ And further, that £500 be appropriated in aid of Township Libraries; that £1,500 be applied out of the Common School Fund, and a further sum of £1,000, with power to the Governor in Council to vote a further sum of £2,500 out of the said fund, and that £2,000 be appropriated from the Consolidated Fund.¹⁹⁷

MR. PROV. SEC. CARTIER. — The entire system does not exceed £22,000.¹⁹⁸

[MR. BROWN:] Then what I desire to know is, how this £22,000 is to be obtained? The hon. Provincial Secretary tells us, that it is to be made up from the unclaimed balances of the Common

School Fund, which he values at £5,000 annually, — £5,000 further from the Consolidated Revenue Fund, and from the Jesuits' Estates'. Well, the Jesuits' Estates' Fund never amounted to more than £8,000 a year, and we have already appropriated £4,000 of it to pay the salaries of the School Inspectors of Lower Canada. All this would make but¹⁹⁹ £14,000²⁰⁰ a year, and where the rest is to come from we have not been told. — And take another view of the ministerial proposition. The Common School appropriation for Lower Canada, is²⁰¹ £24,000²⁰²; add to that £5,000 proposed to be taken from the Consolidated Revenue, and £4,000 from the Jesuits' Estates, in all, £33,000 or thereby, is the gross sum at the disposal of government for school purposes in Lower Canada. How out of this can £22,000 be given to superior education, and elementary education be maintained with the balance? At the very best of the various views of [t]his crude scheme suggested by the Provincial Secretary — he leaves but £16,000 annually for elementary education. The grant is £24,100, and out of it he takes £2,500 for Normal School purposes, which reduces the Common School Fund to about £21,000. Then he takes from that for colleges, &c., the unclaimed balances, which may amount to £2,000, £3,000, or £4,000.²⁰³

MR. PROV. SEC. CARTIER. — No. It is sometimes as much as £6,000 or £7,000.²⁰⁴

MR. BROWN. — How long ago?²⁰⁵

MR. PAPIN. — In the 18th century!²⁰⁶

MR. BROWN. — I will take the hon. gentleman at his word, and say it is £5,000 or £6,000, and then you reduce the actual Common School Fund for all Lower Canada to £16,000! I appeal to honourable members from Upper Canada, if they will sustain a proposition to give £22,000 a year for the support of the superior schools of Lower Canada, while but £16,000 is given to the Common Schools? — Whether they will agree to give £22,000 annually for the education of 10,000 children — and these the children of the rich — and only £16,000 or £17,000 for the education of the whole mass or 300,000? I cannot see, Mr. Speaker, how such a proposition can for one moment be entertained, and I sincerely hope it will be rejected. And the hon. gentleman further proposes, that the whole Jesuits' Estates of Lower Canada shall be appropriated for the support of superior education. These estates are of great value. They comprise some 5 or 6,000 acres of valuable land. There are eight acres in the cities of Montreal and Quebec. The Jesuits' Barracks in Quebec and other valuable properties, belong to the fund, and the whole of that vast estate is to be set aside permanently for the education of about 10,000 children, the parents of whom are the very best able to provide for their education. (Hear, hear.) And I ask whether the largest endowments of the Lower Canada church was not given for the express purpose of education, and whether we have not a right to look to those endowments for the maintenance of superior education in that section of the Province? I ask whether we have a right to take away this money from the children of the masses, and hand it over for the education of the few rich. It is a most unjust and improvident demand of the hon. gentleman, and mark the double injustice of the scheme. We dole out but £16,000 for Common Schools, and we demand that an equal sum shall be made up by the recipients, before they can get the benefit of it. But does the hon. gentleman propose that, in regard to his wealthy friends of the superior schools? No. He proposes to give them their entire education from the public chest. If we propose to provide free national education at all, it should be elementary education, and not make the high schools free and the common schools otherwise. (Hear, hear.) And the hon. gentleman has another brilliant idea in his scheme. He proposes that this £22,000 shall be handed over by statute to the entire controul and disposal of the government! (Hear, hear.) I ask the house, if it is prepared to vote away the sacred trust which has been committed to us by our constituents, to guard the expenditure of the public money — and to hand over to these half dozen gentlemen on the treasury benches the power of distributing this vast sum, just as they please? I say it is an insult to the house, that such a thing should be proposed to us. (Hear, hear.) What is the use of our coming here at all? Could there be a more important duty entrusted to us than that of watching over the educational institutions of our country, and if we were to say to those gentlemen, "Here is the Public Chest — we

hand it over to you — spend it as you like — choose the schools you like best — reject those you dislike” — would we not be unworthy of our position? I cannot conceive how any hon. gentleman professing to be actuated by liberal principles, can vote for such an abnegation [sic] of its duties by this house. Another part of the hon. Secretary's scheme is that we shall have three Normal Schools. One hon. gentleman while sustaining the plan of the Government said, he did not object to this because it was inconvenient for the teachers to come from Quebec to Montreal. That might be a plea in favour of one Normal School at Montreal and another at Quebec; but what reason can be given in favour of two at Montreal? Oh, says the Secretary one is to be a French School and the other English. But why should not they be united. In such a country as Lower Canada can teachers be employed as competent who have not had instruction in both French and English. (Hear, hear.) How can we hope to maintain the Union if we do not attempt to make some approximation to a common language? A scheme which proposes that we should take the French people and put them into one school and the English in another, is just trying as hard as we can to prevent the working of this Union. And then sir, is there not reason to fear that two at least of these schools are to be sectarian? It is strange that at this time of day we should have a scheme brought forward, absolutely to carry sectarianism into the teaching of teachers — that not merely the children, but their teachers, must be educated separately — these as Methodist teachers, these as Roman Catholic — and these as Presbyterian! (Hear, hear.) The hon. gentleman tells us that the Quebec Normal School is to be affiliated to Laval College, and another in Montreal to MacGill [sic] College; as to the third, he did not explain very clearly to what that was to be affiliated. If there is to be no sectarianism in them, why should not the Normal School system of Lower Canada be made the same as that of Upper Canada? (Hear, hear.) If there is to be no sectarianism, why so many institutions? — why affiliate the school in Quebec to Laval College — a rigidly Roman Catholic College. That very circumstance must induce a certain amount of hostility to it on the part of Protestants. I presume that Protestants as well as Roman Catholics are expected to attend the Normal School in Quebec and will they not feel that it is an unfair thing, that to enjoy the benefit of a National Normal School, they must be attendants at a Roman Catholic institution? — (Hear, hear.) I do not say that Laval College is not an institution of good literary character — I cannot speak on that point — but I do say that it is not right, in establishing a national Normal School, to affiliate it with a sectarian institution with which a large portion of the people will have no connection. It is not fair to the Protestants of Lower Canada. If you are to have a national Normal School system at all, you must separate it from all sects. (Hear, hear.) Surely after all the fighting we have had on the subject the time has come when this Legislature should be prepared to say that if national education is to be carried out at all, it must be in such a way as to trample on the religious feelings or prejudices of none. (Hear, hear.) There must be some basis found, on which we can all agree — under which men and children, whether in elementary or in Normal schools, can meet without having their religious feelings interfered with. And I am sure this can only be accomplished on the principle which has always been maintained by the Reformers of Upper Canada, and I believe also by the Liberal party of Lower Canada, that a national system must be free from Sectarianism. (Hear, hear.) I am sure the majority of this house is fast coming to that opinion; and that when the question definitely comes up in a few days, its opinion will be expressed in favour of Non-Sectarian Education. But, when the hon. gentleman asks that not only shall the Common Schools be Sectarian, but that the Normal Schools shall be so likewise, and that they shall be affiliated to Sectarian Institutions, I do hope that that is a proposition which the house will not entertain. (Hear, hear.)²⁰⁷

MR. YOUNG rose to allude to the remarks of the Inspector General in reference to the Caughnawaga Canal²⁰⁸. It was, he said, well known to hon. members of that House, that for a great number of years he had taken a deep interest in the construction of a canal to connect Lake Champlain with the St. Lawrence.²⁰⁹

MR. SICOTTE the SPEAKER here interrupted the hon. gentleman, by saying that he ought to take another time and mode of bringing the matter before the House.²¹⁰

MR. HOLTON said that as a matter of common justice, his hon. friend for Montreal was entitled to make his explanations.²¹¹

MR. YOUNG again rose to state that he only meant to occupy the House for a few moments. As he had previously stated, the subject of this Canal had occupied his attention for many years; for it was not only necessary²¹² —

MR. INSP. GEN. CAYLEY rose and interrupted the hon. gentleman by reminding him that his expla[n]tion would only lead to a correcter explanation.²¹³

MR. SICOTTE the SPEAKER said the discussion ought to be confined to the resolutions before the House. He would again state that he had not heard the Inspector General make any attack on the hon. member for Montreal. Entering into such an irrelevant discussion was not only out of order, but would establish a very dangerous precedent.²¹⁴

MR. J.S. MACDONALD moved that he should have leave to speak, as Mr. Young had long occupied himself with the matter of the St. Lawrence Canal.²¹⁵

MR. INSP. GEN. CAYLEY. — As this may lead to a further explanation, I hope I shall be allowed to reply.²¹⁶

MR. HOLTON. — Why then did you say anything about it?²¹⁷

MR. YOUNG again rose. He wanted, he said, to explain one point, (cries of chair, chair.)²¹⁸

MR. AT. GEN. J.A. MACDONALD said he would appeal to the house to sustain the Speaker's decision, if the hon. gentleman persisted in his remarks. (Oh! oh!)²¹⁹ If the House was to have a Speaker, hon. gentlemen were bound to uphold his decisions. (Hear, hear.)²²⁰

MR. YOUNG said, the Inspector General had made a mis-statement, which he wished to correct.²²¹ (Loud cries of order, order, chair.)²²²

MR. GALT ... rose to reply²²³ —

MR. SICOTTE the SPEAKER ... called [the gentleman] to order²²⁴.

Loud cries of Chair, Chair.²²⁵

MR. GALT. — As I understand we are to confine ourselves strictly to the resolutions before the house, and that we are not to be permitted to correct any mis-statements — as I understand, that although, reflections have been made on hon. gentlemen on this side, it is necessary that we should keep our mouths shut²²⁶, (order,)²²⁷ — I will confine myself strictly to the question before the house.²²⁸

MR. SICOTTE the SPEAKER. — Order.²²⁹

Cries of Chair, Chair.²³⁰

MR. SICOTTE the SPEAKER. — The member for Sherbrooke is not in order, to speak of the decision of the Chair in the manner in which he does.²³¹

MR. GALT said, he had not meant in the slightest degree, to use any disrespectful language towards the chair. If he had done so, he willingly apologized.²³² [He] would go into the question raised by Mr. Cayley at another time.²³³ With regard to the resolution, he would merely say, that he fully concurred in the observations of the hon. member for Lambton, and the hon. member for Montreal, in regard to the principle of conferring on the Government the power of distributing the proposed Fund for Superior Education²³⁴. He held that it was contrary to every principle of liberty, that the house should delegate to the government the control of the public money, which was one of the most sacred duties with which it was entrusted.²³⁵ Such a course was calculated not to promote the interests of Education, but the party interest of Government.²³⁶ The grant of £5,000 to educational institutions in Upper Canada, was to remain in the hands of Parliament. He would ask hon. gentlemen from Upper Canada, how they would like to have this system applied to them. (Hear, hear.) But, if they allowed it to be carried out in reference to Lower Canada, a precedent would be furnished for following it up, by applying it to Upper Canada also. (Hear, hear.)²³⁷

MR. LABERGE spoke against the resolutions though he approved of the separate school system. He could not understand how, if, as it appeared, the sectarian system was to be discarded there could be any necessity for thirteen [sic] Normal Schools.²³⁸ He contended that it was of very much greater importance to encourage elementary education than to provide additional funds for the higher schools. He expressed his surprise that the house should be called upon to give up its right to control the disposal of the public money. For 30 years the Legislature had struggled for that right which the Government now proposed to take away from them. This was just another proof that the present Government were fast going back to old Tory principles.²³⁹

MR. LORANGER said that the Jesuits' estates were appropriated to the purposes of education, and ought to be kept for the purposes of superior education since the common school fund was amply provided for by a general law. He condemned the pretensions which he imputed to the speakers on the other side, that colleges for superior education were useless, and contended that the arrangements contained in the resolutions were upon the whole the best that could be made.²⁴⁰

MR. S. SMITH (Northumberland) thought it improper to place in the hands of the Government the power to dispose of so large an amount of the public money, independently of Parliament. (Hear, hear.) He thought the Government should assimilate the mode of distributing educational grants in Lower Canada to that²⁴¹ first adopted for the common schools in Upper Canada in 1841, and not since repealed. To vote a sum and leave it in the hands [of] a superintendent of education, to be disposed of irrespective of Parliamentary control, seemed to be a mode of distribution essentially vicious in principle²⁴². He did not intend, however, to oppose the resolutions, as it was a Lower Canada matter, and as he was always glad to vote money for education. He reserved, however, his right of voting against the bill to be founded on these resolutions, if it was not in accordance with the law in operation in Upper Canada.²⁴³

MR. PROV. SEC. CARTIER believed he could satisfy the member for Northumberland that the principle was the best for Lower Canada under the circumstances.²⁴⁴ The member for Montreal (Mr. Dorion) had made a very pretentious speech, but had only succeeded in proving his ignorance of the subject. (Oh! oh!)²⁴⁵ One would have thought, from the tenor of discussion, that the object of the resolutions were to spend the whole of the money to be voted upon the academies and colleges. This was not the case. Even in the law as it at present stood, there were three classes of schools, namely: elementary schools, model schools and academies. Now, by these resolutions a portion of the funds voted were to be applied to the two upper classes of schools named in the present law as well as the colleges heretofore separately provided for. Under the present law, the schools have received more than half the sum voted for education under the common school act. It was absurd for the member for

Montreal to pretend that this was a scheme to destroy the common school system by diverting the funds to the colleges. He had already explained that only the Jesuits' Estates revenue, and the unexpended balances of the common school fund were to be disposed of by this law; but, said the hon. member, how were they to have any unexpended balance, when, by a return laid on the table, it was found that £5,000 had been loaned to that fund. That was a sum appropriated erroneously by the Superintendent for the building of school houses, &c., which had to be repaired. But, in the several years since there had been an unexpended and unclaimed balance from the common school fund. In 1852 this amounted to £5,000, in 1854 to £7,500, and in 1855 to £6,400. Now, the Estates were not most advantageously managed. Under the proposed bill a larger sum might easily be raised out of them. There were now for insta[n]ce, arrears due to the amount of £25,000, of which £10,000 to £18,000 might be collected and invested; £1,000 per annum might be thus added to the income. £10,000 a-year might be easily realised from the proper management, and re-investment of the funds. He believed that they must be raised indeed so high as £14,000 or £15,000, and the unextended [sic] balance would amount to £5,000 per annum, the remainder to be taken from the common school fund being very small. What is taken from the unexpended balances of that fund would be devoted to the support of schools now borne on that fund.²⁴⁶ Of the educational institutions that received aid last session, only 15 out of 120 were colleges. The remaining institutions were those which in Upper Canada would be termed Grammar Schools.²⁴⁷ [They] received £11,000 while the common schools only received £23,000.²⁴⁸ The member for Lambton had said that only 10,000 pupils attended the superior institutions receiving aid from the Government. — The fact was, according to the Superintendent's report of 1855, that the number of those pupils was 15,000.²⁴⁹ One would suppose from the remarks of the member for Montreal that a less sum had been distributed among the schools in Upper than those in Lower Canada. The sum devoted to the normal school amounting at first to £3,000 and to libraries, &c., had to be deducted. Only £23,800 had been distributed among common schools in Upper Canada last year. While £29,600 had been distributed in Lower Canada. It had been urged by some hon. member that the resolutions involved the abdication of the functions of the House respecting the ... [distribution] of the money. Now, under the constitution members arranged the distribution of these funds and laid it before the House for its approbation. If they disapproved of it, ministers were forced to abdicate their functions and give place to gentlemen opposite.²⁵⁰ What real difference was there between the proposed scheme and the present system under which the Government initiated every money vote? The Government [sic] would still be responsible for the distribution, as much as at present, and would be answerable for it.²⁵¹

MR. HOLTON. — After it is spent.²⁵²

MR. PROV. SEC. CARTIER said it would be a sufficient check on the Government, that, if the house was not satisfied with the distribution of the money, they could pass a vote of want of confidence.²⁵³ The distribution for elementary schools was placed upon the same basis as in Upper Canada, namely: the basis of the number of schools. This were [sic] a different matter in Upper Canada: by the Government school law of 1853, the unexpended balances also were given to the support of grammar schools. Under that law there was one grammar school to receive £190 or the counties might establish more if they could give them £50 each. The higher institutions in Lower Canada were not distributed equally among the counties, and therefore, the municipalities could not be left to distribute the funds among them. The principle of the measure was not to make permanent but temporary grants to encourage those institutions needing them from time to time and when one no longer needed a grant to give it to another which did.²⁵⁴ All the immense income of Upper Canada College, University College, and Queen's College — perhaps twice the amount proposed to be set apart for the educational fund in Lower Canada — was distributed by the Governor in Council²⁵⁵ under the law of 1853. Even for Government schools an *allocation* of money might be made under certain circumstances by the superintendent of Education wherever there was a defective census in his opinion. Why should not the Ministry be entrusted with the distribution? Because they would favour their friends? Had they unduly

favoured them in making large grants for Montreal, Nap[i]erville, St. John, Beauharnois, and L'Assomption, where representations had certainly never given Ministers much support? Nearly two thirds of the grants went to institutions in counties represented by opposants [sic] of Ministers.²⁵⁶ It had been said that a newspaper organ of the Government had admitted this, and used it as an argument to induce constituencies to elect supporters of the Government. But the Government did not recognize any organs. (Oh! oh!) They did not care for newspaper support. They were strong enough without it. (Oh! oh!)²⁵⁷ It had been usual to encourage colleges and the higher houses of education too much at the expense of the elementary schools. The object of this bill was to encourage the model schools rather than colleges.²⁵⁸ He then proceeded to accuse the member for Maskinonge, (Mr. Turcotte) of inconsistency, in supporting to-night the public school system, in opposition to superior schools. He recollected well how eight or ten years ago that hon. member headed a deputation from Sorel, to protest against the public school system.²⁵⁹

MR. TURCOTTE said it was not true.²⁶⁰

MR. PROV. SEC. CARTIER said he had a strong impressions [sic] of the circumstances, notwithstanding that it happened eight or ten years ago.²⁶¹

MR. TURCOTTE said he recollected the circumstance. He happened to meet ten or twelve *habitans* from Sorel on the streets of Montreal. They asked him where was the office of the Superintendent of Schools? and he showed it to them. That was all. (Laughter.)²⁶²

MR. PROV. SEC. CARTIER. — Did you not know for what object they were coming?²⁶³

MR. TURCOTTE. — I did not. I met them by accident. (Hear, hear.)²⁶⁴

MR. PROV. SEC. CARTIER was glad to hear the explanation of the circumstances. He feared, however, he [Mr. Turcotte] had not advised the *habitans* at the time, to support the common school law when it was introduced.²⁶⁵ The hon. gentleman concluded ... by stating that when the House was in committee he would enter into further explanations.²⁶⁶

MR. HOLTON had listened very attentively to the very able, argumentative and logical two hours speech of the honorable Provincial Secretary, in the hope that the honorable gentleman would come to the point raised by the amendment — but he had listened in vain.²⁶⁷ The question of why a difference was made between Upper and Lower Canada in the distribution of grants to educational Institutions, those for Upper Canada being voted by Parliament, while it was proposed that the distribution of the grants in Lower Canada should be left in the hands of the Government — that ... question had been completely dodged by the Provincial Secretary, as well as every other gentleman who had spoken on the Ministerial side, with the exception of the member for Northumberland. (Mr. Sydney Smith.) He was glad to hear the member for Northumberland express the sentiments he did, in reference to the importance of the principle that the Parliament should keep in its own hands the control of the public money. But the hon. gentleman said he would not vote against the Government because he had unlimited confidence in them. (Laughter.)²⁶⁸ He had unlimited confidence in the hon. and gallant knight at the head of the Government, the hon. Commissioner of Crown Lands, and the Inspector General. He had confidence, he supposed, in the Premier when, with others, he had been plotting to displace [him] — ²⁶⁹ (Laughter.)²⁷⁰

MR. SICOTTE the SPEAKER called the hon. member to order.²⁷¹

MR. HOLTON. — I should regret extremely to infringe any Parliamentary rule, and perhaps the Speaker will be kind enough to state the point of order I have transgressed.²⁷²

MR. SICOTTE the SPEAKER. — The hon. member is out of order in alluding to some doings of the hon. member for Northumberland, about the removal of one of the ministry. (Hear, hear and laughter.) That is beside the question. (Laughter.)²⁷³

MR. HOLTON was sorry to offend against the rules of the House; but as the hon. gentleman made it a question of confidence, he felt that the conduct of members, in this regard, formed a proper subject of debate. The bill to enable ministers to pension off all the superannuated teachers in Lower Canada — all over 70 years of age — was to get thereby political influence and patronage, and the large grants to Montreal were to make influence for the Secretary.²⁷⁴ He (Mr. Holton) would like to ... [remind] honorable gentlemen that the effect of their vote on the amendment before the chair, would be to declare that it was inexpedient that the people of Lower Canada should be placed in a different position from those of Upper Canada, and that it was inexpedient that such a large sum of money should be placed at the entire control of the Government, to be used as they thought fit.²⁷⁵

MR. PROV. SEC. CARTIER said he would explain. In Upper Canada there were only seven or eight colleges, and some eighty-five grammar schools; but in Lower Canada there were some three hundred.²⁷⁶

MR. DUFRESNE addressed the House at some length, in favour of the resolutions.²⁷⁷ [He] was surprised at the opposition offered to this measure. He remembered that the opposition had raised an outcry, during the debate on the address, that the Normal School was not mentioned in the speech from the throne. They wanted something done, but were never satisfied with whatever the Government did, even in accordance with their clamours. — Like the wolf, in the fable of the wolf and the lamb, the opposition were always right and the other side always wrong. He would give the Government his hearty support in this matter, as the measure was much needed [sic].²⁷⁸

DR. MASSON also supported the resolutions, and directed his remarks chiefly to the charge brought against the Government, of making use of the educational grants to strengthen their position in the house.²⁷⁹

Mr. Papin's amendment was then put²⁸⁰.

(246)

Mr. *Papin* moved in amendment to the Question, seconded by Mr. *Jean Baptiste Eric Dorion*, That all the words after "That" to the end of the Question be left out, and the words "it be an Instruction to the Committee to take into consideration the following Resolution: — That this House regards as one of its most important privileges the having the control of all the moneys of the Province, and would consider itself as failing in its duty were it to divest itself of that Privilege, with respect to the moneys to be expended for Education, and leave the distribution thereof to the arbitrary will of the Government or of its Officers" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bourassa, Brown, Bureau, Christie, Conger, Charles Daoust, Darche, Delong, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Ferrie, Foley, Frazer, Galt, Gould, Hartman, Holton, Jobin, Laberge, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Mattice, Munro, Papin, Patrick, Rolph, Sanborn, Scatcherd, Turcotte, Wilson, and Young.* — (35.)

NAYS.

Messieurs *Alleyn, Bell, Bowes, Brodeur, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Church, Clarke, Cook, Cryslar, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Dufresne, Evanturel, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Gutvremont, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Macbeth, Attorney General Macdonald,*

McCann, Masson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Niles, Polette, Poulin, Pouliot, Powell, Price, Rankin, Rhodes, Roblin, Solicitor General Ross, Shaw, Solicitor General Smith, Sidney Smith, Southwick, Spence, Stevenson, Taché, Terrill, Thibaudeau, and Whitney. — (63.)

So it passed in the Negative.

And the Question being again proposed, That Mr. Speaker do now leave the Chair;

MR. A. DORION explained, at some length, his opposition to the resolution of the Provincial Secretary²⁸¹. [He] contended that the explanation of the hon. Provincial Secretary was most unsatisfactory, with respect to the fairness of distribution by Ministers and of which he had boasted that the only reductions made were in Colleges represented by opposition members. £90,000 was paid last year, to the superior educational institution[s] for the education of 2500 scholars, while all the other schools only got a little over £22,000.²⁸² [He] moved in amendment that instruction be given to the committee to resolve — that all property formerly belonging to the Jesuits' Estates be appropriated for common school purposes in Lower Canada, and that all moneys being the capital of sale or commutation of any part of [the] said estate be [invested] as part of such fund, and that the revenues of interest accruing from such fund be appropriated to the maintenance of education in Lower Canada by means of an annual vote of the Legislature.²⁸³

MR. C. DAOUST dit qu'il ne se proposait pas d'abord de prendre la parole sur cette question, mais que les insinuations lancées par certains membres contre ceux qui sont opposés à la mesure sous considération; les préjugés qu'on avait essayé de soulever pour faire du capital politique en dehors de la chambre ne lui permettaient pas de donner un vote silencieux. Il se mettait au-dessus de ces considérations et méprisait une popularité qu'il faudrait acquérir au détriment des libertés publiques et de ce qui en constitue la meilleure, la seule sauvegarde. Il savait quel usage on se proposait de faire du vote de l'opposition en cette circonstance, quand plusieurs de ceux qui l'avaient précédé avaient eu la bonne foi de dénoncer comme opposés à l'avancement de l'éducation supérieure les adversaires de ce bill; mais il ne craindrait pas de se présenter devant n'importe quelle assemblée intelligente et de maintenir la position qu'il se proposait de prendre.

L'impression qu'on s'était efforcé de créer était fausse et erronée pour ne rien dire de plus. En effet, qu'arriverait-il si ce bill était perdu? Les maisons d'éducation en souffriraient-elles? Nullement. Elles se trouveraient dans les mêmes conditions que durant les années dernières.

En 1854, la chambre avait voté environ seize mille louis, et en 1855 environ vingt mille louis pour le soutien de l'éducation supérieure dans le Bas-Canada.

Ce[s] sommes provenaient de deux sources, savoir: les revenus des biens des jésuites et une certaine portion du fonds consolidé. Or, que voulait le bill de l'hon. secrétaire provincial? À quelle source proposait-il de puiser le fonds permanent de £22,000? Les biens des jésuites contribueraient pour dix mille louis et l'on prendrait cinq mille louis à même le fonds consolidé, à condition que le Haut-Canada aurait une égale somme pour le soutien de ses écoles.

Jusqu'ici il n'y avait rien de nouveau, et si ce bill passait, nous nous trouverions précisément dans la même position que par le passé.

Ce qu'il y avait de nouveau dans ce bill, c'est que le fonds des écoles communes qui est déjà si restreint se trouverait privé d'une somme de six à sept mille louis pour compléter annuellement ces £22,000.

Après cet exposé, dont personne ne pouvait contester l'exactitude, il était clair, pour tous ceux qui pouvaient comprendre la portée de ce bill, que la mauvaise foi seule pourrait accuser l'opposition de méconnaître les intérêts de l'éducation dans le Bas-Canada. Il y avait devant la chambre un autre bill qui proposait des amendements à l'acte des écoles communes. Mais quels étaient ces amendements? Proposait-on d'augmenter le fonds des écoles ainsi que le demandait instamment le surintendant et toute la population du Bas-Canada? Non; l'hon. secrétaire-provincial n'avait rien trouvé de plus ingénieux que de permettre aux commissaires de doubler la contribution.

Ainsi, plus le contribuable paierait pour les écoles, moins il recevrait du gouvernement.

Il (M. Daoust) voudrait, au contraire, que tout en encourageant l'éducation supérieure, comme la chambre l'avait toujours fait sans le secours du bill proposé, on augmentât le fonds des écoles élémentaires.

Il était proposé, en outre, de laisser au surintendant, et de fait, au gouvernement, la distribution de ces £22,000 entre les maisons d'éducation. On avait cru répondre à l'objection de ceux qui dénonçaient cette disposition comme attentatoire aux libertés publiques et contraire à la lettre et à l'esprit de la constitution, en disant que le ministère serait toujours responsable de cette distribution, et que si elle était faite d'une manière injuste, partielle, la chambre, après que l'argent aurait été payé, pourrait passer un vote de censure.

Quelle foi robuste il faut avoir pour tomber dans un tel panneau?

On sait assez comment les gouvernements se forment et comment ils se maintiennent.

Les élections se font sur une ou deux questions culminantes devant lesquelles s'effacent toutes les questions incidentes, toutes les questions de détail; et pourvu que l'administration tienne ses partisans en haleine, pourvu qu'elle leur fasse entrevoir l'accomplissement de certaines promesses, ils passeront par dessus les abus les plus dangereux.

Le ministère qui a précédé celui-ci n'avait-il pas dépensé, sans autorisation, de grandes sommes d'argent pour la construction de quais en bas de Québec, pour l'achat de terrains, pour réparations à une promenade publique, pour mille et une choses dont le public a peu ou point du tout profité? À-t-on censuré ce ministère? Non, les partisans ont levé les épaules. C'était difficile à avaler; mais un vote de non-confiance aurait, suivant eux, privé le pays des seuls hommes qui pouvaient lui donner les réformes qu'il demandait; et les ministres coupables sont restés au pouvoir.

Et quand il s'agira d'une somme de £22,000 qui aura été plus ou moins judicieusement répartie, croit-on qu'une majorité se trouve qui veuille renverser une administration? Erreur! le gouvernement distribuera cette somme comme il l'entendra, sans aucune responsabilité pratique, si jamais ce bill devient loi.

Il (M. Daoust) croyait avoir ainsi démontré, d'abord: que le bill de l'hon. secrétaire provincial, s'il passait, ne mettrait pas les maisons d'éducation supérieure dans de meilleures conditions qu'elles ne le sont aujourd'hui; et, en second lieu, que l'administration ne serait nullement responsable de l'emploi des deniers qu'on voulait soustraire au contrôle de la législature.

La seul[e] conclusion qu'on en pouvait tirer c'était que le bill était inutile et dangereux. L'esprit de cette loi, comme son but apparent, n'était en effet que de donner le change au public et de violer la constitution au profit du patronage ministériel.

Il croyait donc s'acquitter d'un devoir consciencieux et consulter les meilleurs intérêts du peuple en votant pour l'amendement de M. Dorion.²⁸⁴

This amendment was ... [then] put²⁸⁵.

(247)

Mr. Antoine Aimé Dorion moved in amendment to the Question, seconded by Mr. Papin, That all the words after "That" to the end of the Question be left out, and the words "it be an Instruction to the Committee to take into consideration the following Resolution: — That all the Estates and Property of the late Order of Jesuits be appropriated to the Common School Fund of *Lower Canada*; and that all moneys arising as capital from the sale or the commutation of any part of the said Property, be invested as part of the said Fund; and that the Revenue or Interest of the said Fund be appropriated to the support of Education in *Lower Canada*, by annual vote of the Legislature" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs Aikins, Bourassa, Brown, Bureau, Christie, Conger, Charles Daoust, Darche, Delong, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Foley, Frazer, Galt, Gould, Hartman, Holton,

Jobin, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Mattice, Munro, Papin, Patrick, Rolph, Sanborn, Scatcherd, Turcotte, Wilson, and Young. — (33.)

NAYS.

Messieurs Alleyn, Bell, Bowes, Brodeur, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Church, Clarke, Cook, Crysler, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Dufresne, Evanturel, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Gutvremont, Labelle, Laberge, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Macbeth, Attorney General Macdonald, McCann, Masson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Niles, Polette, Poulin, Pouliot, Powell, Price, Rankin, Rhodes, Roblin, Solicitor General Ross, Shaw, Solicitor General Smith, Sidney Smith, Southwick, Spence, Stevenson, Taché, Terrill, Thibaudeau, and Whitney. — (63.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That Mr. Speaker do now leave the Chair.

The House accordingly resolved itself into the said Committee;

The Committee almost immediately rose, reported progress,²⁸⁶ and asked leave to sit again on Monday.²⁸⁷

(247)

and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Terrill* reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Monday next.

Then, on motion of the Honorable Mr. Attorney General *Macdonald*, seconded by the Honorable Mr. *Cayley*,

The House adjourned until Monday next.²⁸⁸

Appendix

[NOTICE OF MOTION RE: ELEMENTARY EDUCATION IN LOWER CANADA.]

MR. PROV. SEC. CARTIER gave notice that on Tuesday next he would move the House into Committee of the Whole to take into consideration a series of resolutions respecting Elementary Education in Lower Canada.²⁸⁹

[MOTION FOR PRINTING RE: CLERGY RESERVES CORRESPONDENCE.]

MR. CHRISTIE moved, that the correspondence laid before the house yesterday, in reference to the Clergy Reserves, be printed for the use of members.²⁹⁰

MR. MACKENZIE enquired why it was, that the house was not put in possession of information as to the amounts which had been paid to the different churches. He had spoken about it yesterday to the Provincial Secretary, and that hon. gentleman told him to write a letter as to what he wanted. But he had other things to do than write letters.²⁹¹

MR. PROV. SEC. CARTIER explained that on the previous night the member for Haldimand met him and asked him for a return of some papers, but would not tell what papers he wanted.²⁹² The hon. member came and spoke to him in a quick and confused manner, and he did not understand what he desired. He told him, therefore, that if he had anything to communicate to him in an official

manner, he should write him a letter. He did not know, whether the return contained what the hon. gentleman wanted or not.²⁹³

MR. CHRISTIE explained that the hon. member for North Oxford having moved for certain returns in regard to the Clergy Reserves, the member for Haldimand wished him to add to his motion a return of the correspondence. This his hon. friend (Mr. Matheson) refused to do, and accordingly he (Mr. C.) made a separate motion for the production of the correspondence. The papers brought down last night were in reply to that address, and did not, of course, contain the information sought by the member for Haldimand.²⁹⁴

MR. MACKENZIE said the return he wished for was that moved on the 28th February, by Mr. James Smith, showing in detail the parties and bodies with whom commutation had been made under the Clergy Reserve Act. It was now April and still it was not forthcoming, although the Inspector General informed him yesterday that it was made out.²⁹⁵

MR. J. DORION (Drummond) said his hon. friend from Haldimand was fully justified when he complained of the delay in producing those returns. In March 1855 he (Mr. D.) moved for a return on some very important points connected with the Crown Lands, with the view of having restored to the public domain 10,000 acres of valuable land. It was not brought down last session. And three weeks ago the Attorney General East said it would be down within 24 hours, but it was not forthcoming yet, although it might have been prepared in a fortnight.²⁹⁶

After some further observations²⁹⁷,

The motion was ... referred to the committee on Printing.²⁹⁸

[WITHDRAWN MOTION RE: ARGENTEUIL CONTROVERTED ELECTION.]

MR. POWELL rose to propose a resolution which he said would perhaps be looked upon as something extraordinary. He would propose that the House should rescind the resolution which had been adopted yesterday,²⁹⁹ which postponed the issue of the writ for Argenteuil to the 14th April.³⁰⁰ He moved the reading of the journals of yesterday.³⁰¹

MR. WHITNEY and DR. MASSON objected to the motion being put without notice³⁰².

MR. SICOTTE the SPEAKER ruled that the hon. gentleman should give notice of such a motion.³⁰³

MR. POWELL said that by so doing, he would defeat the object he had in view.³⁰⁴

It accordingly fell to the ground.³⁰⁵

Footnotes

1. *Toronto Daily Leader*, 5 April 1856.
2. *Globe*, 5 April 1856.
3. *Toronto Daily Leader*, 5 April 1856.
4. *Globe*, 5 April 1856.

5. *Toronto Daily Leader*, 5 April 1856.
6. *Globe*, 5 April 1856.
7. *Toronto Daily Leader*, 5 April 1856.
8. *Ibid.*
9. *Ibid.*
10. *Ibid.*
11. *Ibid.*
12. *Globe*, 5 April 1856.
13. *Toronto Daily Leader*, 5 April 1856.
14. *Ibid.*
15. *Ibid.*
16. *Globe*, 5 April 1856.
17. *Toronto Daily Leader*, 5 April 1856.
18. *Ibid.*
19. *Ibid.*
20. *Ibid.*
21. *Ibid.*
22. *Montreal Gazette*, 7 April 1856.
23. *Toronto Daily Leader*, 5 April 1856.
24. *Montreal Gazette*, 7 April 1856.
25. *Ibid.*
26. *Toronto Daily Leader*, 5 April 1856.
27. *Montreal Gazette*, 7 April 1856.
28. *Ibid.*
29. *Toronto Daily Leader*, 5 April 1856.
30. *Globe*, 5 April 1856.
31. *Ibid.*
32. *Ibid.*
33. *Montreal Gazette*, 7 April 1856.
34. *Toronto Daily Leader*, 5 April 1856. All reports differ from one another in regard to the figures given by Mr. A. Dorion. *Globe*, 5 April 1856, reports "that the fund which instead of increasing in Lower Canada has been decreasing since 1851, from nearly £39,000, when the population little exceeded 600,000 souls, has now decreased to £30,000, the population being one million", whereas *Montreal Gazette*, 7 April 1856, reports that "it was £30,000 in 1850, when the population was 800,000 and was now £24,000, when the population was a million."
35. *Globe*, 5 April 1856.
36. *Toronto Daily Leader*, 5 April 1856.
37. *Globe*, 5 April 1856.
38. *Toronto Daily Leader*, 5 April 1856.
39. *Globe*, 5 April 1856.
40. *Hamilton Spectator Semi-Weekly*, 9 April 1856.
41. *Globe*, 5 April 1856.
42. *Montreal Gazette*, 7 April 1856.
43. *Globe*, 5 April 1856.
44. *Montreal Gazette*, 7 April 1856.
45. *Ibid.*
46. *Ibid.*
47. *Globe*, 5 April 1856.
48. *Montreal Gazette*, 7 April 1856.
49. *Globe*, 5 April 1856.
50. *Montreal Gazette*, 7 April 1856.
51. *Globe*, 5 April 1856.
52. *Montreal Gazette*, 7 April 1856.
53. *Globe*, 5 April 1856.
54. *Montreal Gazette*, 7 April 1856.
55. *Globe*, 5 April 1856.
56. *Montreal Gazette*, 7 April 1856.
57. *Globe*, 5 April 1856.

58. *Montreal Gazette*, 7 April 1856.
59. *Globe*, 5 April 1856.
60. *Montreal Gazette*, 7 April 1856.
61. *Globe*, 5 April 1856.
62. *Montreal Gazette*, 7 April 1856.
63. *Globe*, 5 April 1856.
64. *Toronto Daily Leader*, 5 April 1856.
65. *Globe*, 5 April 1856.
66. *Toronto Daily Leader*, 5 April 1856.
67. *Ibid.*
68. *Ibid.*
69. *Ibid.*
70. *Globe*, 5 April 1856.
71. *Toronto Daily Leader*, 5 April 1856.
72. *Ibid.*
73. *Ibid.*
74. *Globe*, 5 April 1856.
75. *Toronto Daily Leader*, 5 April 1856.
76. *Globe*, 5 April 1856.
77. *Toronto Daily Leader*, 5 April 1856.
78. *Hamilton Spectator Semi-Weekly*, 9 April 1856.
79. *Montreal Gazette*, 7 April 1856.
80. *Hamilton Spectator Semi-Weekly*, 9 April 1856.
81. *Globe*, 5 April 1856.
82. *Toronto Daily Leader*, 5 April 1856.
83. *Globe*, 5 April 1856.
84. *Toronto Daily Leader*, 5 April 1856.
85. *Globe*, 5 April 1856.
86. *Montreal Gazette*, 7 April 1856.
87. *Ibid.*
88. *Ibid.*
89. *Globe*, 5 April 1856.
90. *Montreal Gazette*, 7 April 1856.
91. *Ibid.*
92. *Ibid.*
93. *Toronto Daily Leader*, 5 April 1856.
94. *Montreal Gazette*, 7 April 1856.
95. *Globe*, 5 April 1856.
96. *Montreal Gazette*, 7 April 1856.
97. *Toronto Daily Leader*, 5 April 1856.
98. *Globe*, 5 April 1856.
99. *Ibid.*
100. *Ibid.*
101. *Toronto Daily Leader*, 5 April 1856.
102. *Globe*, 5 April 1856.
103. *Montreal Gazette*, 7 April 1856.
104. *Globe*, 5 April 1856.
105. *Toronto Daily Leader*, 5 April 1856.
106. *Globe*, 5 April 1856.
107. *Toronto Daily Leader*, 5 April 1856.
108. *Ibid.*
109. *Globe*, 5 April 1856.
110. *Montreal Gazette*, 7 April 1856.
111. *Globe*, 5 April 1856.
112. *Toronto Daily Leader*, 5 April 1856.
113. *Globe*, 5 April 1856.
114. *Ibid.*

115. *Toronto Daily Leader*, 5 April 1856.
116. *Globe*, 5 April 1856.
117. *Ibid.*
118. *Ibid.*
119. *Ibid.*
120. *Ibid.*
121. *Ibid.*
122. *Ibid.*
123. *Ibid.*
124. *Montreal Gazette*, 7 April 1856.
125. *Globe*, 5 April 1856.
126. *Montreal Gazette*, 7 April 1856.
127. *Globe*, 5 April 1856.
128. *Toronto Daily Leader*, 5 April 1856.
129. *Montreal Gazette*, 7 April 1856.
130. *L'Avenir*, 18 April 1856.
131. *Toronto Daily Leader*, 5 April 1856.
132. *Globe*, 5 April 1856.
133. *Toronto Daily Leader*, 5 April 1856.
134. *Globe*, 5 April 1856.
135. *Montreal Gazette*, 7 April 1856.
136. *Globe*, 5 April 1856.
137. *Montreal Gazette*, 7 April 1856.
138. *Ibid.*
139. *Ibid.*
140. *Ibid.*
141. *Ibid.*
142. *Ibid.*
143. *Ibid.*
144. *Ibid.*
145. *Globe*, 5 April 1856.
146. *Montreal Gazette*, 7 April 1856.
147. *Ibid.*
148. *Globe*, 5 April 1856.
149. *Montreal Gazette*, 7 April 1856.
150. *Globe*, 5 April 1856.
151. *Ibid.*
152. *Ibid.*
153. *Toronto Daily Leader*, 5 April 1856.
154. *Globe*, 5 April 1856.
155. *Ibid.*
156. *Ibid.*
157. *Ibid.*
158. *Ibid.*
159. *Ibid.*
160. *Ibid.*
161. *Toronto Daily Leader*, 5 April 1856. The reader will note that whether Mr. Sicotte referred to Mr. Cayley or to "the hon. member for Montreal" (possibly Mr. Holton), no previous interruptions by the Speaker were reported by any newspaper. This may indicate that part of this debate was not covered by the reporters.
162. *Globe*, 5 April 1856.
163. *Toronto Daily Leader*, 5 April 1856. *Montreal Gazette*, 7 April 1856, differs from both the *Toronto Daily Leader* and the *Globe*, and reports that Mr. Cayley stated "that the member for Sherbrooke a few years ago had gone to England, and had there furnished the world with an account [sic] of the glorious profits of the Grand Trunk Railroad."
164. *Globe*, 5 April 1856.
165. *Ibid.*
166. *Montreal Gazette*, 7 April 1856.

167. *Globe*, 5 April 1856. In a commentary on the "scene" created by Mr. Cayley, this newspaper reports the following remarks: "Mr. Holton called upon the Inspector-General, in a sharp but courteous manner, for an explanation on the financial features of the Government scheme. Mr. Cayley rose to reply in a state of high excitement; so much so, that he was hardly able to articulate coherently. Instead of meeting the very proper demand of Mr. Holton, Mr. Cayley launched into personal invective against Mr. Galt and Mr. Young (especially the former), of whom he darkly insinuated some frightful job, in regard to the Provincial Canals. He also assailed Mr. Galt for some undefined connection with the promulgation of the Grand Trunk scheme; all this, be it observed, in the absence of Mr. Galt. The House was startled by the extraordinary speech of the Inspector-General; and when Mr. Brown rose to reply, no little feeling prevailed among the members."
168. *Toronto Daily Leader*, 5 April 1856.
169. *Globe*, 5 April 1856.
170. *Ibid.*
171. *Ibid.*
172. *Ibid.*
173. *Ibid.*
174. *Toronto Daily Leader*, 5 April 1856.
175. *Globe*, 5 April 1856.
176. *Ibid.*
177. *Toronto Daily Leader*, 5 April 1856.
178. *Globe*, 5 April 1856.
179. *Montreal Gazette*, 7 April 1856.
180. *Globe*, 5 April 1856.
181. *Ibid.*
182. *Toronto Daily Leader*, 5 April 1856.
183. *Globe*, 5 April 1856.
184. *Ibid.*
185. *Ibid.*
186. *Ibid.*
187. *Ibid.*
188. *Toronto Daily Leader*, 5 April 1856.
189. *Globe*, 5 April 1856.
190. *Ibid.*
191. *Toronto Daily Leader*, 5 April 1856.
192. *Ibid.*
193. *Globe*, 5 April 1856.
194. *Toronto Daily Leader*, 5 April 1856.
195. *Montreal Gazette*, 7 April 1856.
196. *Globe*, 5 April 1856.
197. *Toronto Daily Leader*, 5 April 1856.
198. *Ibid.*
199. *Globe*, 5 April 1856. This newspaper mistakenly reports that the three figures mentioned amounted to £24,100.
200. *L'Avenir*, 18 April 1856. This account is a translation of the speech reported in *Globe*, 5 April 1856. It was used in the reconstruction only when it provided sound figures correcting the *Globe's* mistakes.
201. *Globe*, 5 April 1856. This newspaper mistakenly reports a figure of £74,000 for this appropriation.
202. *L'Avenir*, 18 April 1856.
203. *Globe*, 5 April 1856. *L'Avenir*, 18 April 1856, differs slightly from this newspaper and rightly reports that the annual grant is £24,000, from which is deducted £2,500 for Normal Schools, leaving a balance of £21,500 for the Common School Fund. The figure of "about £21,000" reported in *Globe*, 5 April 1856, may simply have been rounded off.
204. *Globe*, 5 April 1856.
205. *Ibid.*
206. *Ibid.*
207. *Ibid.*
208. *Ibid.*
209. *Toronto Daily Leader*, 5 April 1856.
210. *Ibid.*
211. *Ibid.*

212. *Toronto Daily Leader*, 5 April 1856.
213. *Ibid.*
214. *Ibid.*
215. *Montreal Gazette*, 7 April 1856.
216. *Ibid.*
217. *Ibid.*
218. *Toronto Daily Leader*, 5 April 1856.
219. *Globe*, 5 April 1856.
220. *Toronto Daily Leader*, 5 April 1856.
221. *Globe*, 5 April 1856.
222. *Toronto Daily Leader*, 5 April 1856.
223. *Montreal Gazette*, 7 April 1856.
224. *Ibid.*
225. *Ibid.*
226. *Globe*, 5 April 1856. In its commentary on this incident, *Globe*, 5 April 1856, reports that both Messrs. Young and Galt "were met by rude clamours from the Ministerial Benches; and Mr. Speaker, rather hardly we thought, insisted on their keeping to the question." This commentary also gives information on private communications between Mr. Cayley and Messrs. Galt and Young regarding the Caughnawaga Canal.
227. *Toronto Daily Leader*, 5 April 1856.
228. *Globe*, 5 April 1856.
229. *Montreal Gazette*, 7 April 1856.
230. *Ibid.*
231. *Ibid.*
232. *Globe*, 5 April 1856.
233. *Montreal Gazette*, 7 April 1856.
234. *Hamilton Spectator Semi-Weekly*, 9 April 1856.
235. *Globe*, 5 April 1856.
236. *Hamilton Spectator Semi-Weekly*, 9 April 1856.
237. *Globe*, 5 April 1856.
238. *Montreal Gazette*, 7 April 1856.
239. *Globe*, 5 April 1856.
240. *Montreal Gazette*, 7 April 1856.
241. *Globe*, 5 April 1856.
242. *Montreal Gazette*, 7 April 1856.
243. *Globe*, 5 April 1856.
244. *Montreal Gazette*, 7 April 1856.
245. *Globe*, 5 April 1856.
246. *Montreal Gazette*, 7 April 1856.
247. *Globe*, 5 April 1856.
248. *Montreal Gazette*, 7 April 1856.
249. *Globe*, 5 April 1856.
250. *Montreal Gazette*, 7 April 1856.
251. *Globe*, 5 April 1856.
252. *Ibid.*
253. *Ibid.*
254. *Montreal Gazette*, 7 April 1856.
255. *Toronto Daily Leader*, 5 April 1856.
256. *Montreal Gazette*, 7 April 1856.
257. *Globe*, 5 April 1856.
258. *Montreal Gazette*, 7 April 1856.
259. *Globe*, 5 April 1856.
260. *Ibid.*
261. *Ibid.*
262. *Ibid.*
263. *Ibid.*
264. *Ibid.*
265. *Montreal Gazette*, 7 April 1856.

266. *Toronto Daily Leader*, 5 April 1856.
267. *Ibid.*
268. *Globe*, 5 April 1856.
269. *Montreal Gazette*, 7 April 1856.
270. *Globe*, 5 April 1856.
271. *Ibid.*
272. *Ibid.*
273. *Ibid.*
274. *Montreal Gazette*, 7 April 1856.
275. *Toronto Daily Leader*, 5 April 1856.
276. *Montreal Gazette*, 7 April 1856.
277. *Globe*, 5 April 1856.
278. *Montreal Gazette*, 7 April 1856.
279. *Globe*, 5 April 1856.
280. *Ibid.*
281. *Toronto Daily Leader*, 5 April 1856.
282. *Montreal Gazette*, 7 April 1856.
283. *Toronto Daily Leader*, 5 April 1856.
284. *Le Pays*, 6 May 1856.
285. *Montreal Gazette*, 7 April 1856.
286. *Globe*, 5 April 1856.
287. *Toronto Daily Leader*, 5 April 1856. Commentaries on today's debate on Mr. Cartier's resolutions are reported in *Globe*, 5 April 1856, *Montreal Gazette*, 14 April 1856, and *Le Pays*, 15 April 1856.
288. *Toronto Daily Leader*, 5 April 1856, reports that the house adjourned at "half past twelve o'clock", whereas *Globe*, 5 April 1856, reports that it adjourned at "twenty minutes to one".
289. *Globe*, 5 April 1856.
290. *Ibid.*
291. *Ibid.*
292. *Toronto Daily Leader*, 5 April 1856.
293. *Globe*, 5 April 1856.
294. *Ibid.*
295. *Ibid.*
296. *Ibid.*
297. *Toronto Daily Leader*, 5 April 1856.
298. *Globe*, 5 April 1856.
299. *Toronto Daily Leader*, 5 April 1856.
300. *Globe*, 5 April 1856.
301. *Montreal Gazette*, 7 April 1856.
302. *Globe*, 5 April 1856.
303. *Toronto Daily Leader*, 5 April 1856.
304. *Ibid.*
305. *Globe*, 5 April 1856.

MONDAY, 7 APRIL 1856

(248)

MR. SPEAKER laid before the House, — Statement of the Affairs of the *Hamilton and Gore* District Savings Bank, on 31st December, 1855.

For the said Statement, see Appendix (No. 5.)

And also, Statement of the Affairs of the *Canada West Farmers Mutual and Stock Insurance* Company on the 17th November, 1855.

For the said Statement, see Appendix (No. 5.)

The following Petitions were severally brought up, and laid on the table: —

By Mr. *Dufresne*, — The Petition of *John Jefferies* and others, of *Rawdon* and *St. Jacques*; the Petition of *Samuel Smiley*, senior, and others, of *Rawdon* and *St. Jacques*; and the Petition of *Edward Scallon* and others, of the Village of *Industry*.

By Mr. *Whitney*, — The Petition of *Andrew Cowan* and others, Trustees of the *Cowansville* Female Academy.

By Mr. *Wilson*, — The Petition of *Thomas Allen* and others, of the City of *London*.

By Mr. *Hartman*, — The Petition of *Henry Trelvar* and others, of the Township of *Georgina*.

By Mr. *Dostaler*, — The Petition of the Reverend *T.E. Dagenais, Curté*, and others, School Commissioners, and others, of the Parish of *St. Norbert*.

By Mr. *Dionne*, — The Petition of *George April* and others.

By Mr. *Evanturel*, — The Petition of the School Commissioners of the Parish of *Charlesbourg*.

By Mr. *Sidney Smith*, — The Petition of *Theron Dickey* and others, of the Township of *Clarke*.

By Mr. *Scatcherd*, — The Petition of *Colin Mackenzie* and others.

By Mr. *Munro*, — The Petition of *James A. Johnston* and others, of the Township of *Manvers*; the Petition of *George Stevens* and others, of the Township of *Darlington*; the Petition of *John Climie* and others, of the Village of *Bourmanville*; and the Petition of *Henry Elliot* and others, of the Village of *Hampton*.

By Mr. *Thomas Fortier*, — The Petition of *L. Demers* and others, of the Parish of *St. Pierre les Becquets*.

By Mr. *Brown*, — The Petition of *John Allan* and others, of the Township of *Otonabee*, County of *Peterborough*; the Petition of the Session of the Presbyterian Church of *Wakefield*, County of *Ottawa*; the Petition of *William Scott* and others, of the County of *Two Mountains*; the Petition of *James Appelbee* and others, of the Town of *Oakville*; the Petition of the Reverend *J. Scott* and others, of *Fredericksburgh* and *Ernesttown*; the Petition of *John Bailey* and others, of the Township of *Cavan*; the Petition of *William Edwards* and others, of *Ashburn* and vicinity; the Petition of *Arthur Shaw* and others, of the Town of *Niagara*; the Petition of *J. T. Abbott* and others, of *Newburg*; the Petition of *William Heron* and others, of *Ashburn* and vicinity; the Petition of *A. Washington* and others, coloured Inhabitants of *Buxton*, Township of *Raleigh*; and the Petition of *David Arnott* and others, of the Town of *Oakville*.

By Mr. *Chisholm*, — The Petition of *Alexander McLaren* and others, of the County of *Peel*; and the Petition of *W.C. Gardiner* and others, of *Toronto* and other places.

By Mr. *Terrill*, — The Petition of *John Foy* and others, of *St. Andrews* and vicinity.

By the Honorable *John Sandfield Macdonald*, — The Petition of the Reverend *John Campbell* and others, of the Township of *Kenyon*.

(249)

By Mr. *Mattice*, — The Petition of *William McCallum* and others, of the Township of *Roxborough*.

By Mr. *Larwill*, — The Petition of *Robert Mitchell* and others, Justices of the Peace, of the County of *Kent*.

By the Honorable Mr. *Cartier*, — The Petition of the Municipality of the Parish of *St. Marc*.

By the Honorable Mr. *Merritt*, — The Petition of *E. Seeley* and others, of the United Counties of *Lincoln* and *Welland*; and the Petition of *Thomas Burgar* and others, of the United Counties of *Lincoln* and *Welland*.

By Mr. *Antoine Aimé Dorion*, — The Petition of the Mayor, Aldermen, and Citizens of the City of *Montreal*.

By Mr. *Holton*, — The Petition of the Mechanics' Institute of *Montreal*.

By Mr. *Rankin*, — The Petition of *J.B. Gloyd* and others, of the County of *Essex*.

By Mr. *Sanborn*, — The Petition of *William Brooks* and others, of *Sherbrooke*; the Petition of *Angus McLeod* and others, of *Winslow*; and the Petition of *William Smith* and others, of the Township of *Brompton*.

By Mr. *Roderick McDonald*, — The Petition of the Town Council of the Town of *Cornwall*.

Pursuant to the Order of the day, the following Petitions were read: —

Of *Orton Pease* and others, Trustees and others, of the Village of *Coteau Landing*, Parish of *St. Zotique*, County of *Soulanges*; praying aid for the School in the said Village.

Of *Jacob Misener* and others; of *James G. Sutherland* and others, of the Counties of *Lincoln*, *Welland*, and *Haldimand*; of *John Thomas* and others, of the Counties of *Lincoln* and *Welland*; of *William Campbell* and others, of the Counties of *Lincoln*, *Welland*, and *Haldimand*; and of *George McMicking* and others, of the Counties of *Lincoln*, *Welland*, and *Haldimand*; praying to be relieved from the payment of Tolls upon Timber descending the River *Welland*.

Of *Samuel Holmes* and others, of the Counties of *Lincoln* and *Welland*; and of *J. Mills* and others, of the County of *Lambton*; praying that means may be adopted to prevent the unnecessary expenditure of the endowment of King's College.

Of *George Keefer* and others, of the Village of *Thorold*; of *Samuel Cummer* and others, of the Township of *York*; and of *M.C. Bell* and others, of the Township of *East Gwillimbury*; praying that the Representation of the People in Parliament may be based upon Population.

Of the *Fonthill Library Association* and Mechanics' Institute; praying for aid.

Of Mrs. *Ann Brotherston* and others, of the Township of *Otonabee*; of the Temperance Convention and Prohibitory Liquor Law League; of *Thomas M. Ferguson* and others, of *Buckingham*; of the Reverend *S.S. Wood* and others, of *Three Rivers*; of *Samuel Caldwell* and others, of the Township of *Hope*; of *Newton Clarke* and others; of *Joseph Jacobs* and others, of the Cadets of Temperance; of the Reverend *William J. Ball* and others, of *Woodstock*; of *Samuel Ault* and others, of the Township of *Osnabruck*; of *A.S. Rathbun* and others, of the Township of *Tyendinaga*; of *Caleb J. Williams* and others, of the Township of *Ameliasburgh*; of *George Adams* and others, of *Adamsville*; of *Kenneth McKenzie* and others, of the Town of *Sydenham*; of Mrs. *Janet Dunbar* and others, of the Town of *Amherstburg*; and of *William Bartlet* and others, of the Town of *Amherstburg*; praying for the passing of a Prohibitory Liquor Law.

Of the Reverend *James Pringle* and others, of the County of *Brampton*; of the Reverend *William C. Young* and others; of *T. Waddell* and others; of the Reverend *Hugh Campbell* and others, of *Cornwall*; and of the Reverend *Duncan Cameron* and others, of the Townships of *Lochiel* and *Kenyon*; praying for the abolition of Sunday labor in the Post Office Department, and on *St. Lawrence Canals*.

Of the Municipal Council of *Bonaventure*; praying for a grant for the construction of Bridges.

Of the Municipality of the Village of *Preston*; praying that the Townships of *Wellesley*, *Waterloo*, *Wilmot*, and *Woolwich*, may be relieved from all liability on account of the construction and maintenance of the *Guelp* and *Dundas Road*.

Of *Wolfred Nelson* and others, of the City of *Montreal*; praying that the Bill now before the House to incorporate *Albert Furniss* and others, into a Company for giving a further supply of Gas to the City of *Montreal*, may not become Law.

Of the Mayor, Aldermen, and Commonalty of the City of *Kingston*; and of *Thomas A. Corbett* and others, of the City of *Kingston*; praying that such measures may be adopted as will secure to the City of *Kingston* a direct communication between the Grand Trunk Railway and the waters of the Harbour of the said City.

Of the Widows and Orphans' Friend Association of *Kingston*; praying for aid, and also for a grant of land on which to erect an Orphan Asylum.

Of *Charles James Irwin Grant*, of the City of *Kingston*; praying to be indemnified for loss sustained by the adoption of the present Boundary Line between *Canada* and the *United States*.

Of *Vital Baillargeon* and others, of *St. Jean Chrysostome*, County of *Chateauguay*; praying that the Petition of *William Cantwell* and others, for the erection of a Municipality under the name of *Russelltown*, may not be granted.

Of the *Ontario, Simcoe* and *Huron* Railroad Company; praying for the passing of an Act to enable them to hold and sail vessels on Lake *Simcoe*, as well as to make arrangements with the owners of vessels on other Lakes to run in connection with their Railway.

Of *Joseph A. Levis* and others, of the Parish of *St. André Avellin*, County of *Ottawa*; praying that the said Parish may not be annexed to the Parish of *Ste. Angélique*.

Of *Patrick McCabe* and others, of *Wickham*, County of *Drummond*; and of *Patrick Carroll* and others, of the Village of *L'Avenir*; praying for an Address to Her Majesty, soliciting the recall from banishment of *William Smith O'Brien*.

Of the Municipal Council of the County of *Kamouraska*; praying that means may be adopted to encourage the settlement of Wild Lands in this Province.

Of the *Ayr* Mechanics and Farmers' Institute; praying for aid.

Of the Reverend *M. Brunet* and others, of the Parish of *St. Jérôme*; praying aid for the construction of a Female Academy in the said Parish.

Of the Reverend *M. Brunet* and others, of the Parish of *St. Jérôme*; praying aid for the construction of a Model School in the Village of the Parish of *St. Jérôme*.

Of the Municipality of the Township of *Cornwall*; praying for the passing of an Act to confirm and legalize the By-Laws of the said Municipality for building a Town Hall, and issuing Debentures to the amount of Five hundred pounds.

Of *Richard Machell* and others, Stockholders, and others interested in the Northern Railroad; praying that a Commission be appointed to inquire into and report upon the general management of the Northern Railroad Company.

Of *William Armson* and others, of the South Riding of the County of *Simcoe*; expressing their fears of the Convention held by the *Roman Catholics* at *Buffalo*, in the *United States of America*, in connection with the Separate School Act, Nunneries, Monasteries, &c., and their desire as Protestants to conserve the peace of the Country; and praying the Government not to set apart any portion of the public funds or lands to encourage the immigration of *Roman Catholics* into this Province.

Of the Municipality of the Township of *Mono*, County of *Simcoe*; praying for the repeal of the Separate School Act.

Of *H.J. Ruttan* and others, of the Town of *Cobourg*; praying that if the Legislative Council become Elective, the principle be based upon Population.

Of the Reverend *Francis Evans* and others, Clergymen of the Church of *England*, Diocese of *Toronto*; praying for certain arrears due them as Missionaries.

Of the *Canada* Life Assurance Company; praying that the Bill now before the House to incorporate the *Canadian* Life and Fire Insurance Company may be so altered that the name of the said Company may not be confounded in the public estimation with the *Canada* Life Assurance Company.

Of the Mayor, Aldermen, and Commonalty of the City of *Toronto*; praying for authority to reduce the rate which they are required to levy under 16 Vic. cap. 5, for the payment of the Principal and Interest of the Loan contracted by them under the said Act.

Of *Anna Maria McKay*, of the Village of *Ancaster*, widow of the late *Alexander Robertson McKay*; praying that the Bill to confirm in Messrs. *Mallery, Grimshaw*, and *Wilcocks*, a Title to lot number four, in the Broken Front Concession of the Township of *Hamilton*, may not become Law.

Of the Mayor, Aldermen, and Commonalty of the City of *Kingston*; praying for an Act of Incorporation to construct a line of Railway from the Harbour of the City of *Kingston* to the Village of *Newburg*, with power to extend the same to some point in the Valley of the *Ottawa*, or some point on Lake *Huron*.

Of *Ambrose Powell* and others, of the Township of *London*; praying for the abolition of Sunday labor in the Post Office Department, and for the prevention of the running of Cars on the different Railroads in this Province on the Sabbath.

Of *James A. Rolls* and others, of the Village of *Morpeth*, County of *Kent*; setting forth that the dividing Line between the County of *Kent* and *Lambton* has not been laid down with regard to justice and fairness, and praying relief.

Mr. *Sanborn* reported from the Select Committee on the Bill to amend the Act establishing Mutual Fire Insurance Companies in *Lower Canada*, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Thursday next.

Mr. *Prévost* reported from the Select Committee on the Bill to authorize the improvement of Water-courses, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Wednesday next.

Mr. *Stevenson*, from the Standing Committee on Printing, presented to the House the Ninth Report of the said Committee; which was read, as followeth: —

Your Committee beg to recommend, that the following documents be printed, viz: —

Return to Address for copies of all Correspondence which may have passed between the Government of *Canada* and the Imperial Government, since the 9th May, 1853, on the subject of the Clergy Reserves; and also, copies of all Correspondence which may have passed between the Government of *Canada*, or any Member thereof, and any Clergyman or Dignitary of the Churches of *England* or *Scotland*, or of the Church of *Rome*, or of the *Wesleyan Methodist* Church, or their Agents or Attorneys, since the 9th May, 1853, on the subject of the Commutation of the Claims of any of the said Clergymen or Churches on the Clergy Reserve Fund. Estimated cost, Forty-three pounds; the usual number of copies.

(252)

Report made to the Crown Lands Department by *Albert Pellew Salter*, Esquire, P.L.S., upon the Country bordering on the North Shore of Lake *Huron*, recently explored by that Gentleman. Estimated cost, Eleven pounds; the usual number of copies.

Petition of *James R. Burke* and others, of the City of *Ottawa*; praying that an investigation may take place of *Dennis Tierney's* death, caused by an armed mob attacking the Inn kept by *William Burden*, on the eighth day of January last. Estimated cost, One pound fifteen shillings; the usual number of copies.

Petition of *Narcisse C. Faucher*, Mayor of *St. Etienne de Beaumont*; praying that means may be adopted to encourage the settlement of Wild Lands in this Province; and also, that aid may be granted to the North Shore Railway Company to enable them to construct the said Road. Estimated cost, One pound fifteen shillings; the usual number of copies.

Your Committee recommend that the following Petitions be not printed: —

Of the Right Reverend Bishop of *Tloa*, Administrator of the Diocese of *Quebec*, and others of the City of *Quebec*, praying for aid for the construction of a House of Industry.

Of *Pierre Viger* and others, of *Boucherville*, praying for an Elective Legislative Council, and Elective Governor, and for the recall of Sir *Edmund Head*.

And of *Narcisse C. Faucher*, Mayor of *St. Etienne de Beaumont*, praying the same as the Petition of *Narcisse C. Faucher*, which is recommended to be printed.

MR. MACKENZIE moved a resolution relative to certain returns required from the Canada Company. He said his object was to obtain justice for a quiet, non-political part of the community, who, he conceived, were not properly treated by what he must term a mischievous company.¹ About the year 1852 or 1853, he had applied to the Inspector General, Mr. Hincks, for these returns. Mr. Hincks promised to lay the matter before the Executive Council, and give an answer in a day or two. The Council were unanimously in favor of the passing of the Address asking for the returns. And he (Mr. Mackenzie,) subsequently brought it up in the House, and it was passed unanimously. This was about November, 1852.² Mr. Malcolm Cameron was then representative of Huron and Bruce, and a member of the Executive Government, and supported his motion. It was desirable the Canada Company would send in a report, and it was reported they would do so, but it had not been sent for and

they had declined to furnish it. He contended it was the duty of Parliament to ascertain the manner in which they had dealt with settlers³, and his intention was to move now, exactly the same resolutions he had moved on that occasion, with the consent of the Government. He would like to know whether a purse-proud Company, whose shares were now risen so high, in addition to the immense bonuses they received — could turn up their noses at the people of Canada, and tell them contemptuously that no information whatever would be given on the subject.⁴ He moved: — “That the clerk do request the Canada Company through its agents at Toronto or at Goderich, to transmit to this House a statement of the affairs of the said company, made up to as recent a date as possible, showing: — 1. The amounts of said Land Company’s assets and liabilities in Canada, and of what they severally consist. 2. The number of acres now unsold and unoccupied, and in what counties severally situated, with the aggregate sums of wild land tax paid thereon by the company, in 1849, 1850, and 1851-’3. 3. The number of acres sold in each fiscal year since 1844, and at what average rates; also the number of acres in these years for which deeds have issued to purchasers. 4. The aggregate quantity of lands sold on credit, since the corporation commenced operations, for which the purchasers have not as yet received deeds; the aggregate number of said purchasers; and the number that have left or deserted their land and improvements, or forfeited them, and been removed or ejected. 5. The num[b]er of the company’s tenants now residing on leased lots, the number of acres leased, and in what counties; the aggregate of rent payable yearly by the said tenantry, and the average length of their leases; how many of the said tenantry have left their improvements; how many have been ejected from their farm lots, and how many acres have been leased yearly since 1844. 6. A schedule of the landed estate, if any, purchased by the company, (under authority of the Imperial Act, 6 George IV., cap. 75, sec. 7, or any subsequent charter or statute), from the Government, from corporations, and from individuals, other than the reserves included in the company’s bargains with the Imperial Government, showing from whom bought, when, at what prices, and where situated. 7. The several rates and amounts of the dividends of gain or profit realized or made since 1844, and when said dividends were declared. 8. The aggregate nominal value of the company’s capital stock held in Canada, Nova Scotia, New Brunswick, Newfoundland and Prince Edward’s Island, and the aggregate amount owned elsewhere. 9. The gross amount of donations by the company, and of stock paid in since 1827, in aid of Canadian railways, harbours, canals, bridges, or the improvement of inland navigation beyond the limits of the Huron Tract, and exclusive of those expenditures on their own lands to enhance the value, which were considered by Government as payments in part of the price of said lands; with the amount of free gifts or donations in aid of British or Irish settlers, to enable them to come to Canada. 10. The aggregate number of law suits now pending between their tenants or other indebted settlers, as near as can be ascertained. 11. Copy, in blank, of any printed leaves [sic], deeds, and mortgage forms in use by the company; also, of any additions or amendments made by the Crown to the company’s letters patent, under authority of sec. 6 of the Imperial Statute 9 Geo. IV., cap. 51; being the information required by this house on the 8th day of November, 1852, no part of which the company or its agents have as yet supplied.” — Perhaps, said the hon. mover, it might be said that the information could not be obtained from the Company. But would it be said that any monopoly in this country was so powerful as to be able to refuse information if demanded by Parliament? He then read a statement in regard to the affairs of the Company from the London Correspondence of the *Globe*, and complained that the state of its affairs should be made known to England, while the people of this country, who were more deeply interested in the matter, were left in the dark.⁵

I have not asked information, said Mr. M., concerning an individual’s private affairs, but for facts to show the effect of placing a mammoth financial monopoly of selfish greedy strangers between the settler and the government, with its heartless factors or agents, corrupting, as I believe, the representation in this House; using their power over their debtors to prevent free elections to the legislature; keeping a wolf’s eye upon the poor leaseholder that they may get his improvements wrested from him if he is a day or an hour behind his time; urging improvements on that may benefit their property but contributing little or nothing to our public works. Mr. Hincks did not dare to press them for information; they had the Derby, the Palmerston, the Baring or Labouchere of the day at their back — and

in Feb. 1852, their agent, Widder, wrote back to our clerk, that it would be troublesome and expensive to give information, and that he could not tell anything till his proprietors gave him orders. In short the Company set the House and Government at defiance: against our country's wishes they were incorporated; and our lands, million after million of acres passed into their grip at a little over a shilling an acre; their shares, originally worth some £30 or £37, had risen by the hard labor of our settlers to £150 nearly, altho' heavy annual dividends marked the onerous tax which England's lords spiritual and temporal had subjected us to. It is only this morning, sir, I have read in the *Globe* that at a meeting of these land-jobbers in London, March 20, their governor, as they call him, assured them that they had 32,000 acres more of Canada's lands at the end of 1855, than at the end of 1854, and this altho' they had sold 30,000 acres in 1855, and bought none. How did he account for this? There were tenants on 62,262 acres of their lands who, not having paid up just to the day, had been tricked out of their improvements, and this vile association of foreign land-pedlars were offering the lands of these poor fellows to new dupes at an enormous increase in price. Not content with selling at a moderate increase, they had demanded on the average for every acre sold in 1855, bad land and good, nearly eleven dollars *per* acre. Sir, I'd tell their agent to be active with his returns — four years are long enough to wait — and if he trifled with us, I would send him and his hired colleagues to keep company with other evil-doers till he understands that Canada's representatives would assert her rights. Have we not had petitions, sir, signed by thousands of Canadians, mayors, magistrates, councillors, freeholders, all who dared asking enquiry and redress? Did not Malcolm Cameron desert his constituents and betray Huron and Bruce? He did. He was deaf to their voice — he played courtier to the Canada Company, and their present member (Mr. Cayley) is just like him. The first found Huron and Bruce too hot for him, and the other may find the electors not such soft sheep as he imagines. This land-jobbing band valued all their lands far higher in 1855 than in 1850, altho' since 1850, they have drawn a million or two of dollars out of our settlers and out of our banks. Land which had not cost them £150,000, interest and all, they had turned into millions, and valued at £577,000 sterling, besides £110,000 sterling in well secured mortgages upon Canadian farms, £20,000 in cash, and £20,000 in the Grand Trunk. Avaricious as any miser, they had seen 40 millions expended in improvements — and at the 11th hour they spent or lost a few dollars.⁶ The hon. gentleman then referred to the leasing system pursued by this Company, which he stigmatised as unfair and highly injurious to the settlement of the lands.⁷ They should be all sold and the parties allowed to possess them in freehold. He observed there was another bill before the Imperial Parliament.⁸ He also appealed to the hon. members for Simcoe, Huron and Bruce, and Frontenac, as to the effect the transactions of the Company had had on the settlement of the lands in their counties⁹. They [the Company] had joined our worst enemies to keep down our country, and so covetous and sharp are they that they refused to Guelph a plot for a market place. Sir, I have ever hated mean men, and mean actions, and if a company of sharps or a lord spiritual set out to grind society, as Palmerston did his poor Irish tenants, I am ready to expose them to public scorn. If the Co. have done right what injury can they sustain by giving the information I claim? If wrong, the settlers deserve tardy justice.¹⁰

MR. ROBINSON said the hon. member for Haldimand had a happy faculty of talking about everything in and out of the country — whether he knew anything about it or not — with all the assurance of a person that was intimately acquainted with it. And so in this instance. He had taken up the time of the House by depicting the losses of the people of Huron, by this Company,¹¹ [but he] had probably never set his foot in the county of Huron, and knew very little of what he was talking about.¹² The member for Haldimand had moved for a most extraordinary amount of information, which he [Mr. Robinson] thought the House would hardly demand.¹³ The Company had no objection to give any information to the House *that it was entitled to*, and he would leave it to the House to say whether this ought to be given or not. In 1826¹⁴ [OR] in 1824,¹⁵ the Canada Company had bought from the English Government some two millions and a half of acres in this Province at a mere nominal sum — £357,000¹⁶, [OR] at a price of 2s. 10d. sterling *per* acre, for which they paid in cash.¹⁷ Now, if anybody were to be blamed in the transaction, surely it ought to be the Government.¹⁸

MR. MACKENZIE. — I always did blame them.¹⁹

MR. ROBINSON thought that no blame could be attached to the Company for making the best bargain they could. This land was at once settled by the Company, and in many places where the land would have been of great value had they been reserved — such, for instance, as the tract of land between London and Goderich — they had not reserved a single lot for²⁰ subsequent speculation, but swamp lands, not then tenable²¹. And this fact he could speak of from his own knowledge. The hon. member for Haldimand had spoken against the Company because they increased the price of lands — but, he (Mr. R.) would like to know why they were to be prevented from selling their lands at higher rates now than when they had been first settled. Private gentlemen, who, some years since, bought lands for 7s. 6d. an acre, were now selling them at £10 an acre.²² As to the management of the Company's affairs, he had heard almost no complaints on the part of the public. For himself and for Mr. Widder he could say that every letter, from the humblest individual in the country, was promptly answered.²³ [And] since the management of the Company fell into his hands he had every opportunity to know that the settlers upon the lands of the Company had been most leniently dealt with.²⁴ In almost all cases where the tenant had been an occupier of the land for a number of years, and improved it, but allowed the time to expire, without having paid for it, the Company did not exercise its right of ejecting the party thus breaking through the terms of his agreement²⁵; and it often happened that the Company paid up the arrears of taxes to prevent the lands being sold by the Sheriff. If any persons have been treated in the harsh manner alleged, the laws of the country are open to them.²⁶ The law suits had by the Company, which the hon. member had spoken of, as proving the unfair dealing of the Company, were principally amicable suits in Chancery to settle the titles of heirs. Having bought and paid for their lands the Government had no more to do with the Company than with any private person who had bought lands of them, or held them in large quantities.²⁷ He contended that the Canada Company had fulfilled all the conditions of its charter. This was proved by the preamble of the re-lease by the Crown to the Company in 1847²⁸, which stated that they had amply fulfilled all the obligations of their charter. He would appeal to the Hon. Attorney General West, whether that document did not set forth in the most positive and distinct terms that the Company had faithfully discharged all the obligations of their charter. With respect to the sum of £40,000, which the Company were to have spent in opening up roads, he would say that if they had not yet thus appropriated that sum, it was not their fault, but that of the Government. He was prepared to show that letter after letter had been sent by the Company to previous Governments asking the necessary powers to make this appropriation; but these letters had been unattended to. The hon. gentleman then expressed his approval of the leasing system²⁹. The leasing system was objected to, but the poor man generally considered that this was the most favourable for himself, and nine-tenths of the applications made to the Company were for the lease rather than the purchase of lands.³⁰ Surely in this free country the people should have a right to judge for themselves and take their lands by lease or purchase. It had been found a boon to settlers to permit them to lease lands upon the terms offered by the Company. The Company had paid the Government all they agreed to pay; had fulfilled all the conditions of the grant, and held a full discharge from Government. The Company, he again contended, was in the position of an individual land holder and amenable, like them, to any process of law if they committed any wrong, but not to be meddled with by the Government or Legislature.³¹ He did not think the Government would be justified in calling on the Company for those returns, although, if any good reason were shown for it, the Company would not refuse to furnish them³²; but could they show that it would do good to the country or to any individual to have what was asked for in the motion before them? He would leave the matter entirely in the hands of the House.³³ In conclusion [he] hoped that many hon. gentlemen whom he saw around him in their places, would speak as to the way in which the Company had settled their lands.³⁴

MR. WILSON said that up to a certain time lately, he had a great deal of business with the Canada Company, and up to a very recent period had always found them to conduct their business fairly and

properly. But a case had occurred recently in which a man took land on one of these leases, and being unable to meet the payment when it fell due, made application to the Trust and Loan Company for a loan, in order to meet payment. In some way or other, however, the lease expired before he could make payment, and then the Canada Company refused to take payment, and insisted on an advance from two to twelve dollars at once. That, and one or two others, were the only cases of hardship which had come to his knowledge. He thought the House ought not to interfere in this matter, for he felt sure that if that kind of thing were pursued on a great scale they would have the whole country in a rebellion³⁵, [such as the] agitation ... which had arisen at Albany.³⁶ What he complained of was, that while parties went in under the notion of being purchasers, the Company might throw them out, in the case of a forfeiture by the non-performance of all the conditions. He thought the Company should refrain from enforcing the leases in that strict way.³⁷ It was the general opinion in this country that if a man is working on his land he has a right to indulgence if he does allow his lease to be forfeited. In the instance he had alluded to, he had no doubt that the land, if sold at auction, would have brought \$20 per acre, and the Company allowed him to re-purchase it for \$12 per acre; but the hardship lay in the fact, that with interest and all he was previously paying only \$4 per acre. At the same time he knew of many leases which had been forfeited, and when the Company had afterwards taken the money first agreed upon.³⁸ With the exceptions he had mentioned, he believed this Company had always treated settlers on their lands fairly and leniently, and it would be a pity they should act oppressively now.³⁹

MR. ROBINSON was much obliged to the hon. member for London for the testimony he had given in favor of the Company,⁴⁰ for he knew more about the Company, probably, than any other member in the House⁴¹, and when he could only bring one case of hardship after his long and very extensive knowledge of the settlements of the Company, it spoke very strongly in their favor.⁴² The honorable gentleman then entered into an explanation of the case of hardship which had been specified by the member for London, in which he stated that it was through the negligence, or otherwise, of the party entrusted with the application to the Loan Fund that the money had not been forthcoming in time, and, of course, the Company were not to be blamed in the matter.⁴³

MR. AT. GEN. J.A. MACDONALD said that until the Company had fulfilled their contract they were to a certain extent under the control of the House, but⁴⁴ the Government had in 1847 given the Company the complete discharge to which his hon. friend from Simcoe had alluded, and the Government could not interfere with them any more than with any independent land-owner.⁴⁵ The resolution of the honorable member for Haldimand could not be enforced by the Government. It was a call on a Company not having any special relation with the Government to give a return to that House of the amount of all their Canadian liabilities and assets; of what they severally consist; the number of acres they had now remaining unsold; the number unoccupied; the number of acres sold in each fiscal year; and at what rates; also the number of acres for which deeds had been issued to purchasers; the aggregate quantity of land sold on credit; the aggregate number of said purchasers; the numbers that had lost or deserted their lands, been removed or ejected, &c., &c. In fact this return asked a full, true and particular statement, not only of their transactions in this Province, but in their counties; for the return asked for, also embraced the aggregate annual value of the Company's capital stock in Canada, Nova Scotia, New Brunswick, New Foundland, Prince Edward Island, and the aggregate amount elsewhere. In fact, a statement of all their transactions since 1844. The only effect of such a resolution, if carried, would be to put the Government in the position of asking from the Canada Company a return, which they had no right to ask, and which would entail enormous expense on the Company if they complied with it.⁴⁶ They might as well call on Mr. Cawthra, a wealthy banker in Toronto, to furnish an account of what money he had in his vaults, how many debts were due him, what bills were outstanding, whom he had sued, and whom he had let off. As to the leasing system, he considered that that had been a great relief

to the poor settler⁴⁷; and he believed, too, that the Company had been a benefit to the country. The testimony of the hon. member for London shewed that it had dealt fairly with the settlers on its land.⁴⁸ He hoped, therefore, his hon. friend would withdraw his resolution.⁴⁹

MR. FERRES had been acquainted with the Company's transactions for the last 15 or 20 years, and had always known them to be characterised by fairness and benefit to the Province. Previous to the existence of the Company the amount of emigration did not exceed 15,000 persons a year. But in two or three years after they had received their charter, the amount exceeded 30,000 a year. And the result was wholly attributable to the efforts of the Company.⁵⁰ It had spread information with regard to the resources of the country in Europe, and used great exertions to make Canada favorably known there.⁵¹ And their efforts did not cease with the first few years of their existence, but continued with such success that he believed the western portion of Upper Canada had been mainly settled through their exertions.⁵² Hardships might arise from certain leaseholders where, after a man had made amelioration in the land, he held he was unable to make the necessary payments to secure his title to the land. These cases deserved, and he believed, generally received consideration from the Company.⁵³ He did not think it would be right for that House to call on them to make a return of all their proceedings from the commencement of their existence till the present time⁵⁴, unless it could be shown that parties had been deprived of their leases, without getting compensation for the improvements they had made. He did not think the house should interfere.⁵⁵

MR. STEVENSON also defended the position and proceedings of the company. He considered their whole transactions had been not only honourable to themselves, but beneficial to the country.⁵⁶ Very little land of the Province had been so well disposed of as the lands sold to the Canada Company. The Company had created an interest in Canada never felt before, and had done very much to promote its prosperity and get for it its present position.⁵⁷ He wanted no such enquiry, and would vote to stop it.⁵⁸

MR. SOL. GEN. H. SMITH believed that in his county the Company had always acted in the most liberal and praiseworthy manner. Indeed, he knew of no instance in which any complaint had been preferred against the Company. It gave him much pleasure to bear testimony to the handsome manner in which this Company had uniformly acted.⁵⁹ [He] had had occasion to know a great many transactions of the Company, and had always known them to deal most liberally to those who took their lands. In some cases he had known them to allow their leaseholders to acquire the property after they had allowed their contract to expire without fulfilling the conditions.⁶⁰ The company had paid the Government £327,000, and⁶¹ looking at this transaction altogether, the price paid for those lands — their extensive settlement and the vast improvement thereby effected — he thought it was one of the most advantageous bargains ever effected by the Province.⁶² They sold and settled 650,000 acres in 9 years, being more, by 114,000 acres, than the sales of Crown Lands during the same period.⁶³ He hoped the member for Haldimand would withdraw his motion. If he pressed it, he was sure it would not prevail.⁶⁴

MR. BROWN hoped that the motion of the hon. member for Haldimand *would* prevail, and that the house would not put it down, at the dictation of the Solicitor General. He did not support it, because of its being framed with any hostility to the company, for he could not see anything in this motion which should have led the hon. member for Simcoe (Mr. Robinson) to resist the motion. He saw nothing whatever in it which there should be the least objection on the part of a great company like this to give at once. And what could be more interesting to the people of this country than to know how such a large tract of country had been disposed of?⁶⁵ [It would furnish] some most valuable statistical information for the use of hon. members and people of the country. It was important to learn in what respect the management of the Company had proved better than that of our Crown Lands Department.⁶⁶ A better evidence of the prosperity of Canada could not be given to the world, than by showing

how property had risen in value from year to year, and the immense price at which the Canada Company now held their land. Nothing could more tend to promote the interests of the country, than the publication of such a statement as that. He could not agree with the member for Simcoe that this was similar to the case of a private individual.⁶⁷

MR. ROBINSON. — I did not object to it. I merely stated [sic] the facts to the House.⁶⁸

MR. BROWN was glad to learn that the hon. gentleman had no objection to these returns being asked for, as there was really nothing in them which the Company could desire to conceal for one moment. Reference had been made to the question of leasing. Now, he must say there was something in that leasing principle which was not suited to the circumstances of Canada. A large portion of our country had been handed over to a Company, with the view of getting it settled, but he did not think the leasing system was one at all advantageous to the settler. When the day came that they had to pay the principal, and accumulated interest — compound interest — many of the settlers were not prepared for it, and they lost the advantage of the improvements they had made, and he thought the House was entitled to know from the Company to what extent those leases had been given. There was yet another reason why this information should be given. There was at present a proposal to hand over to a Railway Company a large tract of land for settlement. (Hear, hear.) It was stated that this proposal⁶⁹ was approved of by a majority of the members of the Council, — ⁷⁰

Laughter from the Ministerial benches⁷¹.

[MR. BROWN continued:] — at least, some of the Government organs had said so, — (ironical cheers.)⁷² He saw one of the members of the Government laughing. He supposed it was at the proposition itself, and not at the idea of their having a Government organ. An hon. friend near him remarked that it was their organ who was laughing at them. (Laughter.) But it was stated by an organ of the Government that this proposition had received the assent of a majority of the Cabinet.⁷³

MR. SICOTTE the SPEAKER. — Order!⁷⁴

MR. BROWN. — I apologise. But the hon. member for Montmorency (Mr. Cauchon) could say whether that was not the scheme he advocated. The hon. gentleman would not hesitate to say whether he did not want the North Shore Railroad sustained by large tracts of land. (Hear, hear.) Now, if that was likely to come before the House, was it not well that they should know how other large tracts of land given out of the hands of the Crown Lands Department to a corporation, had been managed for the interest [of] the country. (Hear, hear.) There was every [rea]son why the motion should pass, and he was glad to hear that the member for Simcoe had no objection to it.⁷⁵

MR. ROBINSON. — I merely stated that I did not express any opinion about it. But I put it to the house whether, after getting an ample discharge from the Government, the Company should be called upon to furnish all those returns.⁷⁶

MR. MACKENZIE said, that the learned statesman, the hon. Attorney General West, had not found out any of the objections which he now raised when he (Mr. Mackenzie) first moved this matter. He had voted for the information now asked. What inconsistency! Did the Executive Council of Canada when that motion was placed before them by the Premier of that day, find any fault with it? No! So too with the hon. member for Simcoe, who had been so very eloquent, and who voted for a like motion before to-day. He was now a paid agent of the Company, and got £1600 a year,⁷⁷ and of course was required to speak a little for his pay, and change his vote to suit his European employers.⁷⁸

MR. ROBINSON rose and declared that he would not so underrate his services.⁷⁹

MR. MACKENZIE did not care. The hon. gentleman was still a hired servant of the company at the present time, and in 1852 while member for a large agricultural county, supported the motion then before the House calling for information from the Company. (Hear, hear.) Did the hon. gentleman who now represented Huron and Bruce, although he knew that there were thousands and thousands of signatures, to Petitions begging for this information, open his lips upon this occasion? Not a single word issued from him or his honorable friend either, the member for Perth⁸⁰, another hired agent, with his father, of this monopoly.⁸¹ In 1852, the learned Solicitor General, then a plain member of Parliament (who was always bringing in what he called his "Buncombe Motions" upon the Independence of Parliament, &c.,) now got up to enlighten the House, and show how wise he was; how much of a Solon and a Solomon he has made himself since 1852. Then the hon. member for Prince Edward's Island (Mr. Stevenson) had come to the conclusion that the House should not ask for this information, but he voted for the motion of 1852. Such a difference in the hon. member's opinion from that time was owing to his present position. And then the hon. members [sic] for Mississquoi or Shefford [Mr. Ferres], or whatever they pleased to call the place, what information did he throw upon the subject? If he could not throw more light upon any other matter, he might as well sit down. The hon. gentleman behind him (Mr. M.) had stated a case which had come to his knowledge, and had trod upon the toes of the Canada Company very gently. Was he (Mr. M.) to be told that this Company have not acted disgracefully? He could bring forward, if necessary, their Agents, and he would call the attention of the House to what Dr. Van Lolt said, its former officer. (The statement of the gentleman went to explain, that the Company had acted towards him with a strong hand in displacing him from his office, and placing in his stead Captain Strong. Also, that a Mr. Benjamin Wilson had at the time an unsettled account with the Company, and that a Mr. David Smith by an extraordinary instance of good fortune obtained employment from the Company, to perform work for them of a menial and laborious description.)⁸² He went on to deny the good conduct of the Company, and read from an old newspaper an account of the manner in which it had interfered in the election.⁸³ As to tyranny over the settlers, did not Doctor Dunlop, the Canada Company's own Warden and agent, state publicly thro' the press, that Bishop Strachan's son had been forced upon the settlers in the Huron track by threats and violence? Did he not state that McDonald the surveyor had not dared to vote for him? that Col. Van Egmond's son, his friend, did not dare to vote for him because he knew the Company would oppress him as he owed them? that B. Wilson said ditto? that Surveyor Smith, his friend, was sent to survey in Wellington with three feet of snow on the ground till the election was over (like Councilman Moodie here)? that Baron de Tuyi's miller had been threatened if he voted as he wished to? that ignorant and well informed were alike afraid of the venge[a]nce of the company? that Shipley, after solemnly pledging himself to vote for Dr. Dunlop, voted for Strachan thro' fear of the Company's vengeance? ditto Atcheson Brown? that the terror of the people as to the vindictiveness of the Canada Co. gave Strachan 11 [votes] of a majority over him, and that the enormities of the Canada Co. toward the settlers were beyond endurance? Are not these facts laid before us by one of the most honorable of our own body, now no more, and whose brother also represented Huron, Perth, and Bruce? And will we turn our backs upon the people driven off their farms, to bolster up a set of sharpe [sic] who have sucked for 30 years Canada's life's blood? Is this the way to promote loyalty?⁸⁴ The House had a right to demand such a return from a Company to whom such a large tract of the public domain had been sold and ... to whom such very extraordinary privileges [were] given.⁸⁵ Why should the house hesitate to call upon this Company for the required information, from a Company that had originally paid 10½d. per acre, on an average, and now were charging from \$60 to \$70? He thought that good reasons should be given by hon. members of that house why they had stultified their former votes on this matter. Was it not insulting to the majority of the House that they should not do so? He wondered that they did not now hear the sweet and harmonious voice of the honourable member for Perth in explanation of what he knew about it. Had that hon. gentleman not a word to say for the poor settler? The hon. member for Simcoe had stated that there were no complaints made against the company; but the hon. gentleman knew as well as he (Mr. M.) did, that the Journals of that house teemed with them, and that Mr. Malcolm Cameron never

came back again to Parliament, because he refused the giving of the information by this Company, which was asked for while he was in office.⁸⁶ When the poor people sought for information on the subject, they were taunted by being told that they may go to the Court of Chancery. Why is the desired information withheld from them?⁸⁷ In 1832, he (Mr. M.) had called for information of a very extensive character in the House of Assembly of Upper Canada of this kind. When he was in London, either through the influence of Mr. Hume, Mr. Roebuck, or Sir J. Ellis, he obtained returns from the Company without opposition. Was he now asking for enquiry into the private affairs of an individual? He required to know, what this Company had been doing to settlers who controlled 2,800,000 acres. He trusted that it would not be refused.⁸⁸

MR. DALY could not allow the allusions of the hon. member for Haldimand to him, to pass unnoticed. He wished to inform that hon. gentleman, that the votes which had sent him to that house he had received from settlers of the Canada Company.⁸⁹ He did not receive a single petition from any of the settlers on the matter; nor was he asked to bring any motion before Parliament asking for a return of the Company's transactions.⁹⁰ In fact he was aware that a majority of them were satisfied with the conduct of the Company towards them. The Canada Company purchased their lands for the purpose of making proceeds from the sale of them; they had leased them, and there were many cases where the Company had not been able to get payment for them.⁹¹ The Company gave the settlers their leases, if they paid two shillings of what was due; and notice was given in every case before a settler lost his land; and in every case that it was asked for, the Company gave back the land, on the settler paying up the principal and interest.⁹² The Company had dealt leniently with those who had taken up their lands. If there had been any ground of complaint he should probably have heard of it, and been requested to act upon it — but the hon. member for Haldimand, who knew nothing about it meddled with this as he did with other matters, and took up the time of the House discussing absurd questions, in which no body was interested.⁹³ If he wanted the information he now asked for, he could have obtained it by applying to the office of the Canada Company. He (Mr. Daly) was not so much astonished at the line of conduct pursued by the hon. member for Haldimand, as he was that the hon. member for Lambton should also follow in the same track.⁹⁴ He too, had a large territory in the west; he would perhaps some day have a member inquiring into the manner in which he had disposed of Bothwell.⁹⁵

MR. ROBINSON answered some of the remarks of the hon. member for Haldimand. It was strange that the hon. gentleman could not speak without abusing every company and its affairs. He read the opinion expressed by one of the hon. gentleman's own friends, as he said, intimating that the hon. gentleman's opinion upon Crown Lands, &c., were unworthy of notice. (Order, order.)⁹⁶

MR. SICOTTE the SPEAKER called the hon. member to order. (Question, question.)⁹⁷

MR. MURNEY was surprised to hear the hon. member for Perth make the statements that the company allowed parties to remain in possession of land for a long time without paying. Suppose a party accepting one of these leases, had been upon the land twelve months upon payment of something in the shape of interest, was there a case in which the Canada Company could require that party to send in a new application for a higher price at a higher rate of interest, and value for the land? Because if the hon. member cannot cite a case, he (Mr. Murney) knew cases of hardship to settlers.⁹⁸

MR. DALY was not aware of any case in which the company had refused to give the settler the deed of his land after paying up within a few days of the time.⁹⁹

MR. MURNEY was very sorry that the Company were so partial.¹⁰⁰ He had seen printed notices from the Canada Company, notifying leaseholders that unless payment were made at the stipulated time, they would have to lose the opportunity of purchase, except at an advanced rate on that first stipulated.¹⁰¹

MR. ROBINSON would further say, confirmatory of what his hon. friend the member for Perth had said, that no forfeiture occurs within two days after the expiration of a lease.¹⁰²

MR. BROWN. — How about three days?¹⁰³

The "question" being loudly called for,¹⁰⁴ the motion was then put¹⁰⁵.

(252)

Mr. *Mackenzie* moved, seconded by Mr. *Aikins*, and the Question being put, That the Clerk do request the *Canada Company*, through its Agents at *Toronto* or at *Goderich*, to transmit to this House a Statement of the affairs of the said Company, made up to as recent a date as possible, shewing: — 1. The amounts of said Land Company's assets and liabilities in *Canada*, and of what they severally consist. 2. The number of acres now unsold and unoccupied, and in what Counties severally situated, with the aggregate sums of wild land tax paid thereon by the Company, in 1849, 1850, 1851, 1852 and 1853. 3. The number of acres sold in each fiscal year since 1844, and at what average rates; also, the number of acres in these years for which deeds have issued to purchasers. 4. The aggregate quantity of lands sold on credit, since the Corporation commenced operations, for which the purchasers have not as yet received deeds; the aggregate number of said purchasers, and the number that have left or deserted their land and improvements, or forfeited them, and been removed or ejected. 5. The number of the Company's tenants now residing on leased lots, the number of acres leased, and in what Counties, the aggregate of rent payable yearly by the said tenantry, and the average length of their leases, how many of the said tenantry have left their improvements, how many have been ejected from their farm lots, and how many acres have been leased yearly since 1844. 6. A Schedule of the landed estate, if any, purchased by the Company (under authority of the Imperial Act 6 *Geo.* 4, cap. 75, sec. 7, or any subsequent Charter or Statute) from the Government, from Corporations, and from individuals, other than the reserves included in the Company's bargains with the Imperial Government, shewing from whom bought, when, at what prices, and where situated. 7. The several rates and amounts of the dividends of gain or profit realized or made since 1844, and when said dividends were declared. 8. The aggregate nominal value of the Company's Capital Stock held in *Canada*, *Nova Scotia*, *New Brunswick*, *Newfoundland*, and *Prince Edward's Island*, and the aggregate amount owned elsewhere. 9. The gross amount of donations by the Company, and of Stock paid in since 1827, in aid of *Canadian* Railways, Harbours, Canals, Bridges, or the improvement of inland navigation beyond the limits of the *Huron* Tract, and exclusive of those expenditures upon their own lands to enhance the value, which were considered by Government as payments in part of the price of said lands; with the amount of free gifts or donations in aid of *British* or *Irish* Settlers to enable them to come to *Canada*. 10. The aggregate number of Law-suits now pending between their tenants or their indebted settlers, as nearly as can be ascertained. 11. Copy in blank, of any printed Leases, Deeds and Mortgage forms in use by the Company; also, of any additions or amendments made by the Crown to the Company's Letters Patent under authority of Section 6 of the Imperial Statute 9 *Geo.* 4, cap. 51; being the information required by this House on the 8th day of November 1852, no part of which the Company or its Agents have as yet supplied; the House divided: and the names being called for, they were taken down, as follow: —

(253)

YEAS.

Messieurs *Aikins*, *Bell*, *Brown*, *Bureau*, *Christie*, *Darche*, *Delong*, *DeWitt*, *Jean B.E. Dorion*, *Antoine A. Dorion*, *Fergusson*, *Ferres*, *Frazer*, *Hartman*, *Holton*, *Roderick McDonald*, *Mackenzie*, *Marchildon*, *Matheson*, *Mattice*, *Munro*, *Murney*, *Papin*, *Patrick*, *Prévost*, *Rolph*, *Scatcherd*, and *Young*. — (28.)

NAYS.

Messieurs *Alleyn*, *Bowes*, *Brodeur*, *Cameron*, *Cartier*, *Casault*, *Cauchon*, *Cayley*, *Chabot*, *Chapais*, *Chisholm*, *Church*, *Conger*, *Cook*, *Crawford*, *Crysler*, *Daly*, *Jean B. Daoust*, *Desaulniers*, *Dionne*, *Dostaler*, *Dufresne*, *Evanturel*, *Felton*, *Ferres*, *Thomas Fortier*, *Octave C. Fortier*, *Fournier*, *Gamble*, *Gill*, *Gutvremont*, *Labelle*, *Laporte*, *Larwill*, *LeBoutillier*, *Lemieux*, *Lumsden*, *Lyon*, *Macbeth*, *McCann*, *Masson*, *Meagher*, *Merritt*, *Mongenais*, *Joseph C. Morrison*, *Angus Morrison*, *Polette*, *Poulin*, *Pouliot*, *Powell*, *Price*, *Rhodes*, *Robinson*, *Solicitor General Ross*, *Sanborn*, *Shaw*,

Solicitor General *Smith, Sidney Smith, Somerville, Southwick, Spence, Stevenson, Taché, Terrill, Thibaudeau, Turcotte, and Whitney.* — (67.)

So it passed in the Negative.

A Message from the Legislative Council, by *John Fennings Taylor*, Esquire, one of the Masters in Chancery: —

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to repeal in part an Act to provide a remedy against the City of *Quebec*, in case of injury to property by Riot," without any Amendment: And also,

The Legislative Council have passed a Bill, intituled, "An Act to extend the provisions of the Act to facilitate Actions against persons associated for Commercial purposes, and against unincorporated Companies," to which they desire the concurrence of this House.

And then he withdrew.¹⁰⁶

A Bill from the Legislative Council, intituled, "An Act to extend the provisions of the Act to facilitate Actions against persons associated for Commercial purposes, and against unincorporated Companies," was read for the first time.

On motion of Mr. *Casault*, seconded by Mr. *Terrill*,

Ordered, That the Bill be read a second time on Wednesday next.

Ordered, That Mr. *Foley* have leave to bring in a Bill to incorporate certain persons under the style and title of the *Fort Erie Canal Company*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.¹⁰⁷

(254)

MR. A. DORION (Montreal) moved the reading of the Journals of this House, of the 10th instant, containing an Address of this House to his Excellency for a copy of a charge delivered by the Hon. Judge Duval to the Jury on the trial of Kelly and others, for the murder of Robert Corrigan, and also for the Journals of this House of the 14th of March instant, containing the Message of His Excellency — with a view to the moving of a resolution thereon.¹⁰⁸

MR. PROV. SEC. CARTIER desired the motion to be postponed, in the absence of the Attorney General East.¹⁰⁹

MR. A. DORION did not see why there should be delay on account of the absence of the Attorney General more than of the Premier.¹¹⁰ [He] would wish to go on with the matter in order to explain his views on the subject. His object was to have the Journals of the House containing an address to His Excellency for a copy of the charge delivered by Judge Duval, on the occasion of the trial of the Corrigan murder; and he thought that such a course of action never met with any objection. He wished the Journals read with a view to make a motion on them. If the Administration are not afraid to meet the motion they would allow the Journals to be read; and he did not think that they could resist it.¹¹¹

MR. AT. GEN. J.A. MACDONALD thought that it would be wasting time to go into the matter now.¹¹²

MR. A. DORION would, in that case, move his two motions together, viz: For the reading of the Journals of this House of the 10th instant, containing an Address of this House to His Excellency for a copy of the charge delivered by the Hon. Judge Duval to the jury, on the trial before the Criminal Court at Quebec, in the month of February last, of Kelly, and others, for the murder of Edward Corrigan, and also for the Journals of this House of the 14th of March, instant, containing the Message of His Excellency. And that it be resolved that the Administration in advising His Excellency to decline to comply with the prayer of the Address of this House of the 10th instant, gave advice calculated to interfere with the undoubted privileges of this House, and to disturb the good understanding between the Crown and

this House, which it is of the highest importance to support and maintain.¹¹³ He had not taken the matter in hand without due grave consideration of the necessity of upholding the dignity and privileges of that House, which were infringed by ministers, professedly holding their places with the consent of the members, refusing to act in accordance with its solemnly expressed wishes.¹¹⁴ He did not consider the answer given by the Governor General as anything more than the answer of the Administration. Attorney General East stated to the House that it was the answer that the Administration thought fit to advise His Excellency to give to the question. On this being communicated to the House, he (Mr. D.) thought that some action should be taken on the matter immediately. But as the hon. member for Toronto brought forward the motion, he (Mr. D.) thought that it would be uncourteous to move in the matter then, as he thought that the member for Toronto would have brought up another motion on this subject. But when he found that he did not do so, he (Mr. D.) at once gave notice, prior to the adjournment of the House for the Easter recess, of his present motion.¹¹⁵ He ... felt assured that neither that hon. member nor any other hon. member, who had voted for the address, would declare the Government right in refusing its prayer. But he would put it on a wider ground than that. An address had been passed by a large majority of the House¹¹⁶, [and] it was the bounden duty of the Government, who were the servants of the house, not only to carry the Address to the Governor General, but to advise him to accede to it. But not only was it not acceded to, but¹¹⁷ it was most extraordinary that the Administration should have advised His Excellency that what was asked of him was unconstitutional. Thus in the most unco[u]rteous manner, the wish of the majority of the House was refused.¹¹⁸ What were the reasons given? That the charge was not in the hands of the Government, nor could it be presumed to exist as a distinct document. No one supposed it was in the hands of the Government; but the Government could no more presume that it did not exist as a distinct document than that it did, until they had made enquiry.¹¹⁹ How were they entitled to say that, when it had been published as a distinct document in more than one newspaper? But they added that even if it did exist, they had no power to enforce its production, and then they reminded the house that there was an Act securing the Independence of Judges, with which this would be an interference.¹²⁰ If the document that was demanded from Judge Duval had any existen[c]e, there was not a member present that did not well know that the Government could not demand it. But it was thought that Judge Duval would have no objection, to hand over his address to the jury on that occasion, if he had it in his possession, to His Excellency. The reason of the refusal was well known to the House. The Administration did not agree on this reason; for Attorney General West contradicted Attorney General East, on the constitutionality of the Address. In fact there was no[t] a member of the House that contradicted that it was not constitutional, except the hon. member for Lapra[i]rie. The Address simply asked for information which it was in the power of the Administration to give; and which they refused.¹²¹ Yet now ministers asserted in effect in the answer that it was contrary to the spirit of that act. The answer further said that the act provided only one manner of proceeding with respect to Judges — by address of the two Houses. Of course that was the way of proceeding to secure the displacement of a Judge; but there was a preliminary step. Information must be got, and the mind of the House made up, and a decision come to on that information to displace the Judge, before asking the other House to join in the address. The information must be got first, and referred to a committee, or directly acted on by the House. In support of this mode of procedure, he could cite an authority which the Attorney General and other hon. members would admit to be a high one. A few days before the discussion came on here, a case took place in the British Parliament with respect to the Irish Judges¹²², where a decision was given similar to the decision in the Duval case; and ... it was not held there that it was unconstitutional¹²³ to ask them to produce similar papers, with the view of instituting afterwards an inquiry, if necessary. Mr. D'Israeli had given a decided opinion to the same effect.¹²⁴

A Voice: That was only a motion for papers.¹²⁵

[MR. A. DORION continued:] This was only a motion for papers, upon which, as there, if proved necessary, an ulterior step might be based.¹²⁶ Mr. Dorion here quoted from Mr. D'Israeli's speech in the Judges case respecting applications for returns which had previously been supported by Mr. Napier.¹²⁷ The course taken by the member for Toronto in the Duval case was sustained by the course taken by Mr. Disraeli in the House of Commons, when Mr. Napier declared the course he was pursuing was unconstitutional on that occasion. Mr. Disraeli advocated as a last ultimate step that an address should be presented to the Crown on the subject; which showed that there were perliminary [sic] steps to be taken first.¹²⁸ The answer further states that the Governor General was advised that the calling for these words, if in existence, would only be for the purpose of ultimate action against the Judge for his removal¹²⁹ [and] that it would be taking away the independence of the Judge. But he (Mr. D.) did not think that in calling for an Address which was not expected to be given, if it were not written when delivered, that the independence of the Judge was in any way injured.¹³⁰ It was an evasion to speak of the charge as not in existence, or not known to be so. This answer was given after the Judge telegraphed he would give the address, and the House had been informed of ... the fact.¹³¹ [OR] The Judge himself expresses his unwillingness to inform the House on the subject; and it was imperative in the Government to lay the information before the House. The consequence of the course taken by the Administration was that they were beaten, and¹³² there were only three constitutional courses for the Government to pursue under the circumstances — to obey the demand of the House, to resign, or to dissolve the House and appeal to the country. They themselves had admitted as much — for they had told the House in almost as many words that it must rescind the vote of the House, or they would resign. They put the issue thus themselves.¹³³ But, instead of that, after an adverse vote of the house, deliberately re-affirmed, the Government advised his Excellency not to comply with the address, and still retained their offices. He did not believe that any parallel to this could be found in constitutional history.¹³⁴ He believed it was an infringement of the privileges of the House, against which they were bound to record their solemn protest. The only course recorded at all similar since the constitution came to be properly understood and worked in Britain, was that of Palmer in 1811. In that case the House of Lords refused to vote an indemnity to the party after the Commons had voted it. Therefore the Commons addressed the Prince Regent, requiring him to pay the sum. The reply was not a direct refusal, but an assurance that the Government should pay it so soon as Parliament provided the means. He admitted that this was in effect a refusal to act without the House of Lords¹³⁵. That, however, was evidently a very different case. And there was a very marked difference between the politeness of the one answer and the discourtesy, he might say, the rudeness of the other. (Hear, hear.)¹³⁶ The first answer expressed a willingness to comply with the Address of the Commons, only asking for time to consider the matter.¹³⁷ But was ever such a thing heard of in Britain as here, that after ministers had distinctly admitted the demand not to be unconstitutional, but only inexpedient, after the House had twice decided that it was both constitutional and expedient, ministers responsible to Parliament refused to obey its demands.¹³⁸ He contended that, if the members for Toronto and the majority of this house by their vote to-night declared that the Answer was right and proper, they equally declared that their vote for the Address was improper and incorrect. (Hear, hear.) He had heard it alleged on behalf of the Administration, that having had a vote of confidence they could do what they pleased. But it was certainly a strange vote of confidence, when the Administration were compelled to vote down their own motion. (Hear, hear.)¹³⁹

It being six o'clock, MR. SICOTTE the SPEAKER left the Chair¹⁴⁰ [and] the house adjourned for the evening recess.¹⁴¹

After the Recess,¹⁴²

MR. A. DORION resumed. — Immediately after the so-called vote of confidence had been given on the previous question, the member for Brockville had actually given notice of his intention to move a vote of confidence, thus proving that even the Government [sic] themselves did not consider the

regular vote on the previous question as a vote of confidence.¹⁴³ (Hear, hear.)¹⁴⁴ [This], however, was withdrawn, and was not even printed.¹⁴⁵ But could it be said that the Administration possessed the confidence of the house when night after night, on one question after another, so large a number of their followers had, since that vote, forsaken them? (Hear, hear.) Had not the members for Northumberland, for Leeds, for Grenville, for Ontario, for Oxford, for Peterboro, and others, and even the member for Quebec County, voted against them since that period on test questions? (Hear, hear.)¹⁴⁶ If members now voted against the motion he submitted to the House, they declared their own wrong-doing in having previously voted for the address.¹⁴⁷ However, what he now wanted to impress upon the majority of the House, was that the question which he proposed was one of a constitutional nature — of a most important character. The ministry had set at naught a vote of the House on this question¹⁴⁸. If they allowed the Administration to defy with impunity the wishes of the house, there would be nothing to prevent them setting aside with like impunity the laws of the country. (Hear, hear.)¹⁴⁹ It was the duty of the House to take care that there should be no separation between the advice given by ministers to the Governor and the opinion of the House; — to take care that it should be constitutionally understood that ministers were nothing except as they were supported by Parliament, and acted in accordance with the will of the representatives of the people.¹⁵⁰

MR. SOL. GEN. H. SMITH said it was most amusing to notice the tactics of the Opposition. Only a few days ago the hon. member for Glengarry gave notice that he would move "that the Executive Council having announced their refusal to present the Address to His Excellency, are guilty of a gross breach of the privileges of this House, and of the usages of Parliament." No sooner, however, was it announced that the Address had been presented than the hon. member for Montreal gives notice that it was equally a breach of the privileges of this House, to present that address and give advice connected therewith to His Excellency.¹⁵¹ He [Mr. Smith] declared he would like to have any account of a precedent for a motion of such a tendency as the present, or of that one of ... the member for Glengarry. He supposed, at any rate, that the motion of the member for Glengarry was withdrawn.¹⁵²

MR. J.S. MACDONALD. — The ministers have changed their course, and of course we had to do so too.¹⁵³

MR. SOL. GEN. H. SMITH would show that they have not changed their course.¹⁵⁴ The hon. member for Glengarry ... could find no precedent for his course, and therefore he has left the hon. member for Montreal to fight his battles alone. The motion at present before the House he (Mr. Smith) considered a motion of want of confidence, although the hon. member who moved it never said so until nearly through with his remarks; such was the motion, in effect, and it made no difference whether his friend from Brockville (Mr. Crawford) moved the motion of which he gave notice or whether the hon. member for Montreal presses his motion to a vote.¹⁵⁵ He considered, however, that the vote on the previous question, on the occasion referred to, was in the circumstances substantially a vote of confidence. For the fact was that the vote on the address moved by the learned member for Toronto was a mere accidental, unintentional vote.¹⁵⁶ (Hear, hear.) He could almost say that the hon. member who moved that motion (Mr. Cameron) had little hopes of its being carried.¹⁵⁷

MR. HOLTON. — Why did not you rescind it then?¹⁵⁸

MR. SOL. GEN. H. SMITH. — There was no necessity to rescind it, for we had a vote [of] confidence without doing so, and this vote of a very striking nature, for in the previous question it was always the person who moved it and his friends who voted against it, but in the present case for the first time perhaps in Parliamentary history, the member for Glengarry voted for it. The vote on the previous question after the appeal of the Attorney General West, was a direct vote of confidence, and he believed the House would be ready to repeat that vote¹⁵⁹. The hon. member then replied to the remarks of the honorable member for Montreal, in regard to the view taken of two similar cases in England, and

quoted from the *Law Times* to support his opinions. In commenting upon one of the cases alluded to — *Talbot vs. Talbot*, the *Law Times*, says: — “It would be impossible too strongly to censure the attempt made by Mr. Phillmore last week, to convert the House of Commons into a Court of Appeal from the regular Tribunals. Even if his assertions had been true, the course adopted was unjustifiable, and in a lawyer, utterly inexcusable. Is it to be endured that a judge shall be subjected to the censure of one branch of the Legislature, because in the opinion of any member of it, his judgment in a particular case was erroneous, and this without a hearing being given him, ... and without means being provided for the assembly to which the appeal is made, to adjudicate upon the facts, beyond the *ex parte* statement of them by the complaining member.” Nothing ... could be more applicable to the case before the House.¹⁶⁰ What had taken place in the Parliament, and in Ireland by the Grand Jury, shewed the feeling of reasonable men was strongly against these proceedings in Parliament, and all lawyers must admit that such motions must make the Houses of Parliament Courts of Appeal to revise the Judicial Bench. The ... [motion] now before the House was (he repeated) a ... [motion] of want of confidence. But he was astonished that it should be moved by a gentleman who believed the Ministry were right in what they had done, as the vote of Mr. Dorion shewed he did.¹⁶¹ He repeated that the vote [on Mr. Cameron’s motion] was an accidental one, never intended by the gentleman who moved it as a censure on the administration, and the Government had no former [sic] supporters than that hon. gentleman and many who voted with him.¹⁶² There were only a small number of members in the House at the time of the vote..., and if a vote of that nature had been expected no doubt more members would have been present, and the House would have sustained the Ministry, even on that occasion. Since then every vote had shewn the confidence of the House in the Ministry, and had the Attorney General East’s motion for rescinding been allowed to be put, no doubt the first vote would have been rescinded. (Laughter and oh! oh!) Well there was no doubt it would have been rescinded. He went on to say that since this first vote, members had reflected upon what they had done, and they had come to the opinion that the Ministry was right, and would sustain them.¹⁶³ He had yet to learn that the advice given by the Administration to His Excellency could in any way [sic] affect the privileges of this House. The question of the privileges of Parliament was one thing, and, that of the advice given by the Administration was another. There was no connexion between them at all. The advice given was that which as sworn counsellors they believed to be right, and that could not, in his estimation, amount to a breach of the privileges of Parliament. He was sorry this motion was pressed, when a delay was asked in consequence of the absence of the Attorney General East from his place, in consequence of indisposition, and, although the Premier was also unable to be present, yet he had no doubt whatever that the result of the motion would be to show that the House had the fullest confidence in the Administration.¹⁶⁴

MR. LORANGER charged the member for Montreal with inconsistency, in moving this resolution. He who had voted against the motion for the return moved for by the member for Toronto, was the last person who should blame the Administration for refusing to accede to that address.¹⁶⁵ The member for Montreal had changed his opinion between the first and second time that the Duval question had come before the House¹⁶⁶, without any reason as he (Mr. Loranger) considered for changing his vote, except that on the first occasion it was not a Ministerial question, and, on the second occasion it was.¹⁶⁷ However, the fact was the opposition was defeated on the second occasion. The House expressed confidence in the Ministry, who thereon advised the Governor in conformity with the wishes of the majority of the House — in conformity, also, with the wishes of the member for Montreal and his friends, who by declaring the inexpediency of Mr. Cameron’s motion, must at the same time have declared that the Ministry ought to give the advice they subsequently gave.¹⁶⁸ (No! no!) He considered that they practically declared this in voting against the motion of the member for Toronto. (No! no!)¹⁶⁹ By the motion brought in by the member for Montreal, the House must be held to say this: — “You (the Ministry) have lost the confidence of the country by doing what I recommended you to do.” He said now that the member for Montreal was as wrong as he was right in the first instance. The Ministry, on the night the previous question was voted on, told the House boldly what they had done and said:

"Now, if you think we are wrong, vote want of confidence, and if right, vote confidence in us." Did the motion of the member for Montreal propose such an alternative? No; it was neither one thing nor the other: but if it had been a direct vote of non-confidence it could not be allowed to pass, and it could be as little allowed to pass now.¹⁷⁰

MR. J.S. MACDONALD (Glengary) explained his course in having put a notice on the paper on this subject, which had been referred to by the Solicitor General¹⁷¹, and defended himself against the charge that he had abandoned his position because there was no precedent in his favour, leaving the battle all to his friend the hon. member for Montreal.¹⁷² After going over the history of the vote on Mr. Cameron's motion, [he] proceeded to read the reply of the Governor General to the address, and then asked whether the House was to be lectured in that way. However, what did the Attorney General do on the day after the first vote, which he (Mr. McD.) thought of sufficient importance to cause a ministerial crisis. The House was told that the ministry could not present the address. Was there any precedent for such a course? When did a ministry ever thus presume to stand between the House and the Crown? If that were so; if the conduct of ministers was thus unprecedented, why should the Solicitor General complain of his (Mr. McD.'s) action, without precedent, in an unprecedented case?¹⁷³ How were they afterwards induced to present it? Two days afterwards the Attorney General with all gravity asked the house to rescind that Address, and if they would not do so, they would resign. Yet, when he (Mr. Macdonald), desiring to tie the Administration to vote on their own motion¹⁷⁴, and ... [not] see it escaped from by the amendment of the member for Niagara, or the vote of confidence of the member for Brockville¹⁷⁵, moved the previous question, the Attorney General West rose and asked all the friends of the Administration to vote down their own motion, and that they would accept that as a vote of confidence. (Hear, hear.) And then they consented to present the Address. He could not find language sufficiently strong to condemn the course of the Administration. The Solicitor General said ... [the first vote] was an accidental vote. But that vote still stood on the Journals of the house unrescinded¹⁷⁶, and if the Ministry wanted to have it taken off, they could again propose a motion for rescinding it.¹⁷⁷ Why did not the Solicitor General test the house on it? No! They had staved it off, and were willing to let the matter rest as it was. The administration had acted a most extraordinary part, in presuming to tutor this house, through the mouth of his Excellency, and to rebuke them for interfering with the independence of the Bench.¹⁷⁸ As for the inconsistency of the member for Montreal, he had voted on the first occasion as an independent member, acting upon his judgment on the question before the House; but on the second occasion, he had had to sustain the rights of the House against the attempt of the Government to set those rights at naught, and to lecture the House, instead of fulfilling its request.¹⁷⁹ He would like the member for Brockville to bring forward his motion of confidence as an amendment to the motion of his hon. friend from Montreal.¹⁸⁰ He should be glad to see the alacrity of that hon. member to sustain the government put to the test. He was ready to take issue with the Government upon it, and he believed it would be news to the country at the present moment that the ministry had the confidence of the House. There was no doubt that the motion would fail in the House, but if it did he and his friends would have the satisfaction of knowing that they had done their duty.¹⁸¹ He trusted this house would transmit to future Parliaments its rights and privileges unimpaired, and that they would place on record that they had rebuked the Executive, when they dared to interfere with them. (Hear, hear.)¹⁸²

MR. PROV. SEC. CARTIER — spoke at considerable length — in reply to the hon. member for Montreal. He said he abstained from taking part in the former discussion, because it came before the House as a mere legal question.¹⁸³ The vote which had given rise to this debate was a complex one. Friends and foes were mixed indiscriminately¹⁸⁴ [and] although both the Attorney Generals had on that occasion given their opinion that the motion if adopted was contrary to the usual proceedings — yet it met the approbation of the House by a majority of four.¹⁸⁵ No one, looking at the names on the division list, would have considered it a vote of want of confidence in Her Majesty's advisers. But the

administration, although they might have come to the conclusion that the vote was not given in hostility to them, yet felt that they had a combined duty, as messengers of this house to present the address, and as advisers of his Excellency, to counsel him whether he should comply with it or not. In this latter capacity, they felt, while giving advice contrary to the vote of the house, that there might be a grave doubt whether they possessed the confidence of the house or not, and to test that, the Attorney-General East gave notice of [a] motion to rescind the vote. But he solemnly affirmed that¹⁸⁶ they did so without any canvassing of the members who usually support the administration.¹⁸⁷ It might be said that the Administration having given notice that they would move to rescind that motion, should have brought their motion to a vote¹⁸⁸. That was not the case. It was the only possible issue as to whether the House had confidence in the ministry or not; but the ministry could not ask for such a vote themselves, all they could do was to provoke discussion on the subject-matter of the original vote and await the result. When that was done, what was the expression of opinion in the House?¹⁸⁹ During the discussion which followed, almost every member who spoke, not belonging to the extreme opposition, and even the hon. mover himself (Mr. Cameron), stated that, by their vote on that occasion, they did not intend to place themselves in antagonism to the Administration. In these circumstances,¹⁹⁰ after letting it be known in the House what kind of advice would be given¹⁹¹, the advisers of her Majesty felt themselves justified in taking the vote on the previous question, moved by the hon. member for Glengary, as a vote of confidence. Having satisfied themselves on this point, they had no difficulty in advising his Excellency not to comply with the address. In doing so, he denied that they showed any discourtesy to the House. The simple question was, whether the advice was right or wrong. The member for Montreal, who measured everything by the compass of his own mind, had narrowed what was a great question, into a mere question of privilege. In the resolution now before the House, the premises and the conclusions of the hon. member did not correspond.¹⁹² The hon. gentleman then read the resolution, and resumed by saying that [regarding] the question as to the rightfulness or wrongfulness of an advice constitutionally given by Her Majesty's advisers and the head of the Government, the hon. member for Montreal had made the wonderful discovery that it was a violation of the privileiges [sic] of the House. That hon. gentleman, however, was the only one in that House, capable of making such a remarkable discovery. But the question could not be narrowed down to a question of privilege. Such a course would, in fact, be the destruction of the principle of responsible government.¹⁹³ The truth was the ministry had to perform two duties, of which one was the major and the other the minor, and it would certainly not be contended that the mere physical duty of conveying the message was the major duty. No; the major duty was the giving advice. If the member for Montreal were to succeed, what would ministers have to do in similar circumstances? Why after such a vote the ministry must give the Governor advice to comply with the request of the House.¹⁹⁴ He was surprised that the member of [sic] Glengary should support such a motion — for although it might suit party purposes, it could not be sustained on either logical or constitutional grounds.¹⁹⁵ The hon. member [Mr. A. Dorion] said the administration were the mere servants of the house, but the administration had too much independence in any matter to act against their conscience, even when the majority of the house went the other way. His principle in public and in private life, had always been to follow conscience. (Hear, hear.)¹⁹⁶ If in doing so, on that occasion, he had voted with the majority of that House, it was to him a cheerful circumstance. But he would say that his vote on any question had never been dictated by a majority of that House.¹⁹⁷ If his conscience told him the majority were wrong, he never shrank from being in the minority. Some of his enemies said he was a Tory, others that he was an Englishman, — but he always made it a rule to have principle and integrity at the bottom. — (Hear, hear.)¹⁹⁸ And such having been his conduct, he had always been the grateful recipient of the good wishes of a majority of his Lower Canadian countrymen.¹⁹⁹

MR. WILSON remarked that people who talked much about conscience — when conscience was not called in question — were apt to be suspected, though he did not intend to suspect the Provincial Secretary's conscience.²⁰⁰ [He] confessed himself to be one ... of those who moved very perversely in

this matter like the hon. member for Montreal.²⁰¹ [He] could not see how it could be said, that the government had not violated the privileges of that house. (Hear, hear.) What was the state of facts? The hon. member for Toronto, had moved an Address. The house grants it, and orders that that Address shall be taken by the members of Her Majesty's Government to His Excellency to be carried out. They had assumed two positions. They had said, "we will not carry out that order, and that unless that is rescinded, we will resign." Now it was quite clear that they had backed out from both of these positions, and the Attorney General East (whom he was sorry not to see present) declared, that unless the house rescinded that motion, the government would feel it to be their duty to resign. The day came when it was to be put. — Upon the occasion, the hon. member for Niagara had a motion prepared by way of amendment, proposing that a committee should be granted to enquire into the administration of justice generally in Lower Canada, and that was followed by the hon. member for Brockville's motion, of want of confidence in the ministry. The ministry said, nay, you shall vote "aye" or "nay" for your own motion. Then the hon. Attorney General West got up and said, "Gentlemen, vote against it, we will take that motion as a want of confidence in the ministry." What was that? — Why voting out a motion on which they were to stand or fall. It was clear that those hon. members who voted that the Address should go, would not vote against their own motion. But many of those hon. gentlemen would not say "nay" to their own motion, but gave the go-by. He never thought that the government would have talked of resigning.²⁰² They were not, in his opinion, bound to resign on the first vote²⁰³. Nevertheless, if they chose to take it so seriously, they were bound to carry it out. (Hear, hear.)²⁰⁴

MR. AT. GEN. J.A. MACDONALD said, "that is the question."²⁰⁵

MR. WILSON thought it p[o]ssible to discuss that question. Why did they halt between two opinions? The very reason that they caused the order to pass was, that they were not agreed between themselves. (Hear, hear.) And the hon. member for Vercheres had alluded to his conscientious principles. Very conscientious, certainly. Instead of the Government coming boldly forward and saying, "We have tendered this advice to His Excellency, and we ask the house to sustain it," they refused to maintain their own motion, and voted against it themselves. Now he would hold, that nothing could be more humiliating, — (hear, hear) — and the privileges of that house were trampled upon during the whole time.²⁰⁶ In his opinion they ought to have carried up the address and then, having advised the Governor, they ought to have asked the House whether they approved of that conduct or not. All the time they refused to carry up the address they were setting the House at defiance. Was the ministry to carry out the opinions of the House, or was the House to carry out the wishes of the ministry? That was the question; and it was upon this the motion turned. The member for Montreal thought the vote was wrong. But when the majority voted in favor of it, he [Mr. A. Dorion] desired the opinion of the majority to be respected by ministers.²⁰⁷ Now he would ask, was it the duty of a Government to judge, whether the voice of the majority of the house was right or wrong? Was it not their duty to carry it out? The voice of the house was against them, and yet they had asked in what way they had violated the privileges of the house, and taunted the hon. member for Montreal on the course he had taken. (Hear, hear.) True he (Mr. Wilson) was in the minority, but the very principle upon which he went was that the voice of the majority should rule. He would like to hear what the Attorney General West had to say upon this because surely *he* would not talk much about *his* conscience. (Laughter — hear, hear.)²⁰⁸

MR. AT. GEN. J.A. MACDONALD would leave that to his hon. friend, the member for London. It was all talk with him. (Loud laughter²⁰⁹ — hear, hear.)²¹⁰

MR. WILSON wanted to know how the hon. gentleman could explain his silence. Was the hon. gentleman afraid that he would find it necessary to dissent from the hon. Provincial Secretary, and, as he had done before, from the Attorney-General East, on the motion for the address? For he (Mr. W.) had no doubt that the hon. gentleman felt, very acutely, that he was instrumental in setting the House all wrong: they could not expect their followers to go with them, but he had no doubt the House would

have an explanation given by that hon. gentleman.²¹¹ He would be glad to know what the Attorney General West would have to say on this plain proposition; as the ministry said they would not present the address, and presented it — that they would resign, if the vote were not rescinded, and they did not resign, the vote being still unrescinded. Again, he would ask this great legal authority to say whether the ministry were not violating the privileges of the House when they refused to fulfil the direction of the House, and whether they had not done so when they advised the Governor to refuse to comply with the views of the House?²¹²

MR. TURCOTTE addressed the House in French²¹³. [He] said there was nothing illegal in the course of the ministry. If it was approved by the House — everything was legal for the House. He contended, however, that the vote on Mr. Cameron's motion was an unconstitutional one; at any rate, according to the opinion of the member for Montreal, it was an inexpedient one. How then could it be unconstitutional for the ministry to do what the member for Montreal thought it inexpedient to do. Again, suppose it were considered the duty of the ministry to resign in such a case, there must then be some one to take their places, and how could the member for Montreal take that place on condition of carrying out the vote which he had declared inexpedient. He treated the conduct of the opposition in this matter as a very natural display of party tactics; but, stripped of disguise, the position of things was, that the ministry had asked the Ho[u]se if it approved of their conduct to vote in a particular manner, and the House by voting in that manner had said it approved of the conduct of the ministry.²¹⁴

MR. A. DORION rose to answer the remarks made by the Hon. Provincial Secretary, but he must say that he remained now quite unshaken in the view he had enunciated upon this question, namely, that the Administration had, by its conduct, infringed the privilege of the house.²¹⁵ [He] taunted the ministry with the defence which had been made for it by quibbling about major and minor duties when it would have been better to have shewn that there was some precedent for a ministry refusing to comply with a vote of the House. The position of the ministerial members was most extraordinary. On the first occasion, when the matter came up, they declared generally that the vote was not unconstitutional. That evening the members for Maskinonge and Laprairie had pretended that the address was unconstitutional, and the Provincial Secretary cheered while they said so, and these three gentlemen put the question on this footing. Whether the address was right or wrong, he wanted the members for Upper Canada, who had voted in the majority, to understand that, as these gentlemen had put the question, the vote against his motion would be a vote that the majority in the first instance had been wrong. He had thought the address inexpedient, but the question was not now whether that were so or not. It was one of constitutional right,²¹⁶ which it was imperative to decide on at once.²¹⁷ They had had communication with Judge Duval, and had possession of his answer, "that he had no objection to furnish that address," and after having that, they came forward and said, "that it is not in the power of the Government to demand that address; that it is unconstitutional, and that the vote of the house, having been given twice on the same question, was wrong." He did not pretend to say that they were bound to advise the Executive to act upon the address, but if they thought the matter so unconstitutional and important, the course was open to them to have the decision of the house revised by the country, or to abandon to others their seats, especially if they thought their large and expansive consciences could not allow them to go on. They tried to rescind the vote of the house, and after having twice been beaten by the majority of the house, they were determined to act contrary to the votes of the Administration.²¹⁸ As to the inconsistency imputed to the member for Glengarry and himself, there was nothing in it. When the Government declared they would not present the address, the member for Glengarry gave notice of a motion condemning them for not doing so. Now, they had presented it, and had given advice which he thought wrong. He sought to have that conduct condemned.²¹⁹

MR. HOLTON had waited till that late hour of the evening, hoping to hear the opinions of some of the great luminaries of the law on this subject; but he had listened in vain.²²⁰ [He] could not conceive it possible that this vote should fail, if it was possible for men to be bound by their antecedents. In the

first place, the whole 48 who voted [sic] for the motion of the member for Toronto, that the address was expedient and constitutional — surely they could not go against that position by voting down the motion. Then there were those who, like himself, were of opinion that the address was inexpedient, but the question for their consideration now was very different from the original one. It was now the question of Responsible Government — whether the Administration was not bound to carry out the wishes of a majority of the house. (Hear, hear.)²²¹ That was, he considered, the real question. Were not hon. gentlemen on the Treasury Benches bound to give effect to the plainly declared wishes of the majority of the House, on any question — more especially on one so important.²²² No one could vote against the motion without violating that fundamental principle of our constitutional government.²²³ Many of the minority of 44 must therefore support the motion, and he anticipated that it must be carried by a large majority. — (Hear, hear.) But the Solicitor General had raised a new issue, and said it was a vote of confidence or no confidence in the Administration. On that issue, also, he anticipated that the motion would be carried. He would ask whether the present Administration had the confidence of this house? (Hear, hear.) He would ask the member for Northumberland²²⁴ — who had been holding caucuses [sic] against the Premier, whether he had entire confidence in the whole Administration as now constituted,²²⁵ whether he had unlimited confidence in the head of the Administration? (Hear, hear.) Whether he had unlimited confidence in the Inspector General? Whether he had unlimited confidence in the Commissioner of Crown Lands? (Hear, hear.) He would ask the Attorney General West, if he were in his place, whether he still reposed confidence in the head of his own Government or whether he did not anticipate assuming the leadership at the request of a number of hon. gentlemen on the other side? (Hear, hear.)²²⁶

MR. ALLEYN asked how long these speculative questions were to be discussed, and when the house was to proceed to practical business?²²⁷ Members had now been kept here nearly eight weeks, discussing subjects of no real importance to the country. Was it not the duty of the hon. member for Toronto to bring this matter up and not the hon. member for Montreal, who had to apologise for doing so? If this were a constitutional question, so was the first one, and that was already decided. He believed it inexpedient and improper to have passed the address, and it would be as improper to pass this motion. No great principle was at stake in this matter. The right to investigate the conduct of the Judge had been already decided. This was really a brimstone matter²²⁸ [and] he did not approve of these speculative questions being raised.... (Oh! oh!) Nor did he approve of speculative questions being constantly raised about Jesuits' Estates, and Rectory questions and land questions, which were all very good to be discussed in the public papers, but should not be discussed within the walls of this house²²⁹, until public opinion forced them on the attention of Parliament.²³⁰ (Oh! oh!) It was not for the Legislature to run before the people. They should rather be exponents of public opinion and not leaders of public opinion²³¹ bid[ding] for applause by this sort of clap-trap. The House was degenerating into a mere debating society, instead of occupying itself with grave matters of legislation, calculated to advance the material interests of the country.²³²

MR. S. SMITH (of Northumberland) could not remain silent after the very eloquent appeal of the hon. member for Montreal, who took so very deep an interest in his welfare. When the matter first came up, he spoke, and had he been in the House, would have voted against the address, because he believed it an infringement of the independence of the Bench, and he believed that if the motion had been made by any other hon. member about an Upper Canadian Judge, the hon. member for Toronto would have been the first to oppose it and defend the Independence of the Bench. There was, besides, no application to the House for this proceeding. It was based on the newspaper reports — denied by an hon. member of the House present at the trial, and he might say now, that, as it seemed he had then sinned against the independence of the press, by stating that newspapers were filled with lies,²³³ he thought that he could not take a better time than the present to set the matter right. On the occasion referred to, he apprehended that he could not have been correctly reported. At all events he had received

a very severe castigation for it. If his statement had been as wide, as he [sic] subsequently appeared in the newspapers, all he could say was, that it was much wider than ever he intended it to be. He merely mean[t] to say that faith could not be put in some newspaper reports. He never intended to make an accusation in such sweeping terms against all newspaper reports.²³⁴ But he had a portion of it in his mind at the time, which he believed was very often guilty of very wide departures from the truth; so at least other papers said of them, and he had reason to believe it so.²³⁵ Under these circumstances, he hoped he should be pardoned.²³⁶ As to the merits of this case, he did not know anything which created the constitution but the laws of the country. He could find it no where else; and looking to the laws of this country he still believed so. He had said in the first instance that the advisers asking the Governor-General calling on Judge Duval for his charge, was unconstitutional, as tending to assail the independence of the Bench. He thought so then, and thought so now. He was prepared to base his vote on that opinion, when the matter first came up, and support members on the ground they took. He was prepared to support them on the second occasion, when the member for Glengarry, by a very scientific proceeding, dug a pit and fell into it himself. If the House had been allowed to go on there, they would not now have a new debate, occupying the whole sitting, at an expense to the country of £750, for no good purpose. The hon. member for Montreal, forgetting his usual sincerity, now turned round on his previous vote, and was ready to condemn his previous opinion, by declaring the ministers manly in adhering to the views in which he had declared he coincided with them. As for what took place in the Caucus Room²³⁷, he did not think the member for Montreal (Mr. Holton) was justified in rising in his place and calling on him for an explanation of matters which took place out of this house, and which had taken place, not by his (Mr. Smith's) setting the matter in motion, but by his acting in concert with other gentlemen occupying quite similar positions with himself. He did not think the hon. gentleman was justified in asking him for explanations of what took place in a caucus room²³⁸, [and] he did not deem it proper or exactly gentlemanly to drag these things into a debate in the House; but as it had been done, he would not shrink from stating his opinion fully and frankly.²³⁹ The hon. gentleman wanted to know if he had the utmost confidence in the Premier of the Government. But he did not know that he was bound to sit there for ever and ever, and say he supported every member of the Administration and had every confidence in them. And he was not bound to say whether the Inspector General enjoyed his full support or not.²⁴⁰ But he would tell the hon. member that there is a class of politicians in whom he had no confidence at all, and among them were two of the hon. members for Montreal, and others near him — the hon. member for Lambton among the number — to whom he was opposed about as completely as day is to night. He would use all his exertions to oppose the coming into power of extreme men — either Tory or Radical. He would endeavour to put an end to the old extremes of Tory and Radical and consolidate one great party out of those opposed to these extremes on either hand.²⁴¹ What he wanted was a new party, which should receive the support of the people of this country and contribute to its prosperity and happiness. He desired to see a new party which should unite Liberal Conservatives and Moderate Reformers. He was prepared to abandon his old extreme Radical views, if he ever entertained them, and would unite his fortunes with moderate, liberal men.²⁴² [But] he would never be prepared to unite his political efforts with those who seek to serve their own personal interests, and sacrifice the best interests of the country to their personal aggrandisement.²⁴³

MR. BROWN spoke at some length in favour of Mr. Dorion's motion. He referred to the lecture which Mr. Alleyne had read the Opposition in regard to their course in the house, and his allegation that this motion was mere *buncombe* and quite uncalled for, and said that such remarks did not come well from a gentleman who had been closely connected with the Corrigan case as counsel for those tried for the murder.²⁴⁴ They had been told by hon. gentlemen, that they were wasting the time and money of the country on a buncombe motion, but if it were a buncombe motion, he would like to know why the Ministry did not on the previous occasion decide on it at once. Why did they deem it necessary to take three days²⁴⁵ to consider of the course they should take, and [sic] threaten to resign if the House did not rescind its vote. If this were a mere bunkum motion, how came the hon. member himself to declare he

would vote for the motion of the hon. member for Toronto?²⁴⁶ But he would maintain that, so far from being a buncombe motion, it was a great constitutional question; and any delay which had arisen [sic] in it had been caused by the Government. If the Opposition had wasted one day in the debate, the Government had wasted ten.²⁴⁷ In the view of a great majority of the people of Canada, probably no greater question could be presented to the Parliament than this. The House, after a full argument had decided the address to be sent up. Ministers felt they could not properly present it; and if that was their opinion, they should have stuck to it. Yet the resolution about the Corrigan business, which they said must be rescinded or they must resign, stood on the journal still, and they retained their places, notwithstanding they were as much bound to resign now as then. What did they do after the resolution had been solemnly passed, and the decision of the House been reaffirmed after due deliberation by a refusal to rescind their votes. — They not only advised his Excellency to refuse the prayer of the address, but put an answer into his hand insulting to the House, containing the arguments which had been repeated in the House as reasons for refusal.²⁴⁸ The Address asked for by a majority of that House, was not only rejected, but the Ministry actually dared to read them a lecture on what they had done, thus telling them that the majority of that House were all wrong, and the minority right.²⁴⁹ Were these matters not better argued here than they could be by those gentlemen in the Executive closet [sic]? — And was the House to be insulted by having such arguments thrust down their throats by Ministers. The theory of our constitution is that the will of the people must prevail when solemnly declared on any point. It had been so declared in this case.²⁵⁰ Mr. Brown went on to point out ... that it was a collision between the Executive and the Legislative powers — from which there were but three constitutional modes of escape. Either the Executive must yield to the Legislature — or the Executive might stand out and appeal to the people by a dissolution — or the house might eat up its words and submit to the Executive. Mr. Brown then went on to show the danger of treating serious disagreements between the Executive and Legislative bodies with indifference.... In the short session of 1854,²⁵¹ the present speaker had moved a resolution calling on the Government to introduce measures for the secularization of the Clergy Reserves and the abolition of the Seigniorial Tenure. This was opposed by the Ministry, and being carried, was a most significant declaration of want of confidence. What did Mr. Hincks do on that occasion? Did he advise a negative and uncourteous answer? No; but he advised a dissolution, and an appeal to the country.²⁵² What would have been thought of the Hincks Government had it acted on that occasion as the present Coalition had done now.²⁵³ He put it to those who desired to maintain the present constitutional system, what a great argument this would give its enemies, if Ministers could thus refuse to obey the will of the popular branch of the House. How could they hope to see it successfully carried out if the privileges and rights of the House were to be trampled under foot?²⁵⁴ He commented on the terms of the Governor General's reply, and ... appeal[ed] to those members who had voted for Mr. Cameron's motion not to stultify themselves by negating their previous vote on a question of such moment simply because the Executive read them a lecture.²⁵⁵ The hon. gentleman concluded by again expressing his belief, that this was a great constitutional question, and was looked to with great interest by the country.²⁵⁶

MR. AT. GEN. J.A. MACDONALD said, he could not but express his surprise at the conduct of hon. gentlemen opposite; there was no pleasing them. The presentation of the address was delayed, and they were dissatisfied. The address was presented, yet still they were dissatisfied. In fact, it was plain nothing would satisfy them but a change in the administration, and this was obviously their reasons for thus prolonging the discussion of the question for this lengthened period, long after it had lost its interest, and long after a Committee had been actually appointed by the House to inquire into the alleged failure in the administration of justice in this case; and long after the question was closed for all practical purposes in that House. Hon. gentlemen, night after night, inflict bunkum speeches upon that House; and night after night they press on this side of the House, in order that they may take the place of those who now, by the majority which such debates had elicited, enjoyed the confidence of the House. It must be evident that their sole object is to enable²⁵⁷ the leaders of a minority not possessing

the confidence of that House, or representing the views of any large portion of the people of the country to assume the places now occupied by those in whom the majority had confidence²⁵⁸; but disappointment had attended their efforts, and he would further assure them, that disappointment would still be their portion. The first point that the hon. member for London had called upon him to answer was this, — that we had acted improperly in the course which we took when the vote was carried against the Government. The case stood thus:²⁵⁹ when the vote was first passed the minister felt that it affected the independence of the judges. Rightly enough that was their opinion. They felt it had been brought against them by no party vote, but contrary to their expressed opinions, and they considered it their duty to adopt the course taken in a similar case by Sir Robert Peel, and ask the House to rescind its vote. The debate had lasted till a very late hour. The division being taken about one o'clock in the morning,²⁶⁰ they met the House the next day at three o'clock, when the hon. Attorney General East²⁶¹ asked delay till next Government night before presenting the address in order to decide what course they should pursue under the circumstances, giving notice at the same time of the motion to rescind, and giving the House time to make up its mind concerning that. That delay was granted without any objection. The reason why ministers felt they could not present that address was, that the vote indicated a want of confidence in them by the House, and while resting under that censure they did not feel at liberty to hold communication with the head of the Government as Executive Councillors, except for the purpose of tendering their resignation.²⁶² Another reason was, that upon a question affecting all and involving the interests of future generations, the independence of the Bench, the Government had a right to expect that a different course would have been pursued. But what course did the hon. member for Montreal take?²⁶³ The vote upon the motion to rescind came on, and the Government found the hon. and learned member for Montreal and gentlemen acting with him, who had in the first instance supported the Government in the views they had adopted, who had held that the address aimed a blow on the independence of the Bench, were going to change their vote. The Government had a right to expect that they would adhere to the position they had assumed. That unless they had found out on subsequent reflection that they were wrong in their first vote — that they were honestly convinced they were bound to retract the opinions on which their first vote was based, they would vote to rescind a resolution passed against their wishes and votes. Whatever the honorable gentleman's conduct may be — than whom we hardly know a more honorable man — he had found no reason to suppose he had erred in his first vote. He and those who acted with him were prepared to keep on the journals a resolution aimed at the independence of the Bench, of the portion of the Province from which he came, to the honor of which, no doubt, the hon. gentleman aspired, to a Bench which, when he attained to it, he would adorn. He forgot all his former profession of zeal for the independence of the Bench, and was prepared to sacrifice a most important principle like this, in order to obtain a party triumph. When the hon. member and his friends saw fit to adopt such a course as that, the hon. members supporting the Government were quite justified in proposing, in place of a motion to rescind, a direct vote of confidence in Ministers²⁶⁴. It had become known that the member for Brockville was prepared to move a vote of confidence; the hon. member for Glengary took a most extraordinary course to prevent that amendment coming up before the House, and the Administration had taken the cour[s]e of advising their friends to vote against the previous question, which they would take as a vote of confidence.²⁶⁵ Ministers would have been unjust to themselves, unjust to their friends, and unjust to the cause they felt themselves called on to defend, if they had not adopted the course they pursued, and declared they would accept a negative vote on the motion of the hon. member for Glengarry, as expressive of the renewed confidence of that part of the House in them. Much to the chagrin of the hon. member, a majority of the House adopted that cou[r]se,²⁶⁶ and the country had recognized that vote as a full and complete vote of confidence. (Oh! oh!)²⁶⁷ It had been argued that a trick had been played with the house upon this vote, but it was obvious that the resort to the "previous question" may be so designated, as the hon. gentleman, in proposing it had intended to play one upon the Administration, and had been caught in his own net. The honorable Attorney General then alluded to the question which had been asked by the hon. member for Montreal, if the members of the Government had confidence in each

other? He would remark that such questions were unusual, nevertheless, he (Mr. McD.) had no hesitation in replying in the affirmative²⁶⁸, or they would not be one Government.²⁶⁹ Ministers accordingly carried up the address to the Governor. They felt they might constitutionally do so. They were told by the hon. members opposite that the answer they brought back was an improper one, and great fault was found with the reasons assigned for the refusal to comply with the wishes of the House. A story was told of Henri Quatre, that having once visited Rochelle, no salute was fired, and the inhabitants presented him with an elaborate document, setting forth thirteen good and sufficient reasons why they could not fire the salute. The 13th was that they had no guns. The King remarked that he would have been satisfied with the 13th reason. So in the reasons given in the answer, one of them was perfectly satisfactory²⁷⁰. When his Excellency was asked to produce the charge of a certain judge, he thought it enough to say, that in the first place he could not produce it, because he did not have it, and in the next place, he could not produce it, because he had no power to ask for it.²⁷¹ How such an avowal could be considered a breach of the privileges of the House, was beyond his comprehension. He did not desire to carry the discussion farther. There was no necessity for doing so. The House fully understood the object and bearing of this motion.²⁷² It appeared to him that the question was worn out, and that with all the ingenuity of the Opposition they had brought out nothing new upon it, — it was in fact cold porridge — they had had the same thing over and over again until the remarks fell flat, stale, and unprofitable upon the ears of every honorable member present. One of the hon. gentleman [sic] opposite had asked while he (Mr. McD.) was out,²⁷³ if it was not true that the Attorney General West had accepted the leadership of a party in this house, and whether he was not now the leader against the Premier. He would say that no such leadership was ever offered him, and no such leadership was ever accepted by him.²⁷⁴ Now, although he did not believe it proper to discuss these matters in the House, yet as the thing had been so broadly stated he had thought it best and had leave to state²⁷⁵ exactly what happened, that the house might know the position in which he stood in relation to his conservative friends in the house.²⁷⁶ On one occasion three gentlemen came to me, and they stated that they came from the Liberal Conservatives in the House — that that party had had a meeting and they had come for the purpose of saying to me that they had heard certain rumors of such want of confidence prevailing in their ranks, to which I replied that I was not aware of any such want of confidence. Those gentlemen also informed me that an intimation had been made of a change in the administration²⁷⁷, which they as Conservatives did not wish to occur. They did not say they would wish a change. They did not even hint at the necessity or propriety of change. But all they wanted to state to him [Mr. Macdonald] was, that, if any change or reconstruction should take place under any exigency whatever, they had been sent to inform him that they had confidence in him, if he should be engaged in any reconstruction. His answer was that there was no truth in the rumours, that there was no reconstruction contemplated, but that he was exceedingly obliged for the confidence they reposed in him; but he had a leader, and so long as he led, he would follow. Hence arose all the rumours which had been afloat. He knew it was very wrong and unparliamentary to make these rumours matters of discussion here, but as they had been alluded to, he thought it necessary to make this explanation, and to say that he had been in no way connected in the slightest degree with making a reconstruction, or attempting to cause a reconstruction to be made. So far as he was concerned, the meeting of the Conservative gentlemen to which he had alluded, had been called without any cognizance of his. He did not know that it was to be called, until it was called, and all the communications which had passed between him and them or rather between him and the deputation they sent, were those he had explained.²⁷⁸ There had been rumours of other meetings since this among the supporters of the Government. If these gentlemen had met and had taken any action, they had not waited upon him to inform him of it. They alone were responsible for any such movement — it had not been made at his instigation.²⁷⁹ Other rumours he had heard, but he should not fall into the bad habit of alluding to them. Any hon. gentlemen who had met him had done so on their own responsibility. And any number of gentlemen who might meet him here or elsewhere were responsible for their course, and the consequences of it. He was responsible for his own acts, and for no more.²⁸⁰

MR. MARCHILDON spoke at some length in favor of the motion.²⁸¹

MR. FERRES did not desire to debate the question which had already been so fully discussed. He only rose to²⁸² [state] that having heard the explanation of the Attorney General West, he thought it his duty to say, that that hon. gentleman had correctly reported the conversation which took place between those gentlemen who waited on him and himself — he (Mr. Ferres), having had the honour of being one of the deputation who waited on the Attorney General. — Mr. Ferres then narrated the proceedings at the interview to substantially the same effect as had just been done by Mr. Macdonald, and proceeded to say, that he entirely reciprocated the sentiments of his hon. friend from Northumberland. He could not at present see what question could divide the moderate Reformers and liberal Conservatives. He did not know of any question at present, nor did he think that any question could arise, which was likely to break the union that had grown up between them.²⁸³ He believed it for the interest of the country that one great party should be formed on the basis proposed by the hon. member for Northumberland;²⁸⁴ and he would go further and say, that if any changes should take place in the administration, he hoped the administration to be formed would be such that the whole Liberal party could support it, and support it cordially as a party.²⁸⁵

MR. FOLEY rose simply to express his surprise, that Saul also should be found among the prophets. (Laughter.)²⁸⁶

MR. CAMERON begged to state the reason why he had not moved in the matter. It was alleged, when his original motion was made, that his object was to embarrass the ministry. He denied that at the time. But, when he found that a Committee was appointed, he was glad to know that a searching investigation would be instituted, beyond what he had expected, and he did not wish to add to the embarrassments in which his motion might have placed the ministry²⁸⁷, which he had up to that time supported. But now, as the matter was brought before the House by another hon. member, he was not prepared to depart from the position he had originally taken.²⁸⁸ He could not say that he was satisfied with the course of the Administration in refusing in the first instance to present the Address, or in afterwards sending down such an answer as they did.²⁸⁹ He could not admit that it was a satisfactory answer to the address, that the Governor General was not in possession of the charge. The House knew that, and had decided to ask him to get it notwithstanding. The House often called for papers not immediately in possession of the Government.²⁹⁰ At the same time he was well aware that the charge delivered by Judge Duval could not be obtained, if it was not in Judge Duval's possession; or that if it was in his possession, he could not be forced to give it up. But he still held to his view as to the constitutionality of the matter; and he thought that his view would be impugned by few. His views were also borne out in England, where it is established that the Crown has the right to demand that which it cannot enforce.²⁹¹ It was for the Judge himself to assert his independence, if he found it was assailed. The Government had no right to act as a screen between him and the action of Parliament. In England such documents had been asked from Judges. Some had stood upon their rights and refused, but the majority had furnished them²⁹². He still considered it was the duty of the Crown, on the Address of the house, to demand the charge, and then the Judge, if he pleased, might have shielded himself under the Independence Act. That he would not have so shielded himself was proved by the fact, that before the debate closed, the Attorney General East rose and stated that Judge Duval had telegraphed to him the substance of his charge, on the disputed point, adding that he had sent him a fuller statement by mail. (Hear, hear.)²⁹³ He did not conceive that the independence of the Judge was attacked or compromised by the course he had taken. That House had a right to such an investigation if they wanted it, and Government had a right to resist it if they saw fit. He thought it was not such a question as the Government should have made a cause of resignation, for an adverse vote about it — but having assumed that position, he felt they ought to have adhered to it. Their conduct brought them into direct conflict with that House, to which they were responsible for their acts.²⁹⁴ With these views he intended to vote for the motion of

the hon. member for Montreal. (Hear, hear.)²⁹⁵ He should not have brought it forward himself to embarrass the Government, neither should he now. It was before them, however, now, and he would not shrink from giving a conscientious vote, whatever might be the result.²⁹⁶

The motion was then put²⁹⁷.

(254)

Mr. *Antoine Aimé Dorion* moved, seconded by Mr. *Brown*, and the Question being put, That the Entry in the Journals of this House, of the 10th March last, containing an Address of this House to His Excellency the Governor General for a Copy of the Charge delivered by the Honorable Judge *Duval* to the Jury on the Trial before the Criminal Court at *Quebec*, in the month of February last, of *Kelly* and others, for the murder of *Robert Corrigan*; and also, the Entry in the Journals of this House, of the 4th of March last, containing the Message of His Excellency in answer to the said Address, be now read, with a view to resolve, That the Administration, in advising His Excellency to decline to comply with the prayer of the said Address, gave advice calculated to interfere with the undoubted privileges of this House, and to disturb the good understanding between the Representative of Her Majesty and this House, which it is of the highest importance to support and maintain; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bell, Biggar, Bourassa, Brown, Bureau, Cameron, Christie, Charles Daoust, Darche, Delong, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Fergusson, Ferrie, Foley, Frazer, Galt, Gamble, Gould, Hartman, Holton, Jobin, Laberge, Larwill, Lumsden, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Mattice, Murney, Papin, Patrick, Powell, Prévost, Rhodes, Rolph, Sanborn, Scatcherd, Somerville, Wilson, Wright, and Young.* — (45.)

(254-255)

NAYS.

Messieurs *Alleyn, Bowes, Brodeur, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Conger, Cook, Crawford, Crysler, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Dufresne, Evanturel, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévrement, Jackson, Labelle, Laporte, Lemieux, Loranger, Lyon, Attorney General Macdonald, McCann, Masson, Matheson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Niles, Polette, Poulin, Pouliot, Price, Roblin, Solicitor General Ross, Shaw, Solicitor General Smith, Sidney Smith, Southwick, Spence, Stevenson, Taché, Terrill, Thibaudeau, Turcotte, and Whitney.* — (61.)

So it passed in the Negative.

(255)

Mr. *Wilson* moved, seconded by the Honorable *John Sandfield Macdonald*, and the Question being put, That this House do now adjourn; the House divided: — And it passed in the Negative.

Ordered, That Mr. *Gamble* have leave to bring in a Bill to provide for the care of habitual Drunkards, and the custody and disposal of their effects.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

On motion of Mr. *Chisholm*, seconded by Mr. *Angus Morrison*,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, a Return shewing in detail the amount paid to the Receiver General, in the years 1851, 1852, 1853, 1854, and 1855, by each Municipality in *Upper Canada*, under the Act 13 & 14 Vic. cap. 68, intituled, "An Act to provide Funds for defraying the cost of the erection of the Lunatic Asylum and other Public Buildings in *Upper Canada*," specifying the name of any Municipality which has not paid such tax in any year.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. GALT, as there was little prospect of reaching to-night the motion of his hon. friend from Montreal, in reference to the attack made upon him by the Inspector General, in connection with the

Caughnawaga Canal — asked the Government whether they would allow it to come on tomorrow, although it was Government night?²⁹⁸

No reply was given to the question on the part of the Government.²⁹⁹

MR. BROWN enquired what Bills were to be taken up by the Government to-morrow? It would expedite business, if hon. members could come to the house, knowing what matters were to be discussed.³⁰⁰

MR. PROV. SEC. CARTIER. — You will know to-morrow.³⁰¹

MR. BROWN did not think that a proper way to treat the house. But, if the Government did not know themselves what business they would take up, they could say so, and that would be enough.³⁰²

(255) Then, on motion of the Honorable Mr. Attorney General *Macdonald*, seconded by Mr. Solicitor General *Smith*,
The House adjourned.³⁰³

Appendix

[QUESTIONS AND ANSWERS RE: SAGUENAY AND LAKE ST. JOHN REGION.]

MR. PRICE enquired of the ministry, whether it was their intention to have the rivers of the Upper Saguenay and Lake St. John explored, scaled and laid out in timber limits.³⁰⁴

MR. COM. CR. LANDS CAUCHON replied in the affirmative. They would take the proper steps to acquaint themselves of the position in which the matter stood in relation to the timber limits.³⁰⁵

MR. PRICE also moved an Enquiry of the Ministry whether it was the intention of the Crown Lands Department to improve the Grand Discharge of the River Saguenay by slides and booms for the getting down of timber from Lake St. John and its tributaries?³⁰⁶

MR. COM. PUB. WORKS LEMIEUX said it was the intention of the Ministry to make surveys on the Saguenay with a view to ascertain its capacity for lumbering purposes.³⁰⁷

MR. PRICE also moved an inquiry of the Ministry, whether it is their intention to grant a certain sum of money for the assistance of colonization in the Saguenay and Lake St. John territory, by the opening of roads, and assistance in building costly bridges?³⁰⁸

MR. COM. CR. LANDS CAUCHON said the government were unprepared to act in the matter at present. Nothing had been laid before them to call for action in the matter³⁰⁹; but when that subject is taken up, the present motion would be considered along with it.³¹⁰

Footnotes

1. *Globe*, 8 April 1856.
2. *Toronto Daily Leader*, 8 April 1856.
3. *Montreal Gazette*, 9 April 1856.
4. *Hamilton Spectator Semi-Weekly*, 9 April 1856.
5. *Globe*, 8 April 1856. It is not clear whether the statement from the *Globe* read by Mr. Mackenzie at the end of this excerpt, corresponds to the information read from the *Globe* in the succeeding excerpt, taken from *Mackenzie's Weekly Message*, 11 April 1856, or indeed whether the *Globe* was mentioned once or twice in the course of Mr. Mackenzie's speech.
6. *Mackenzie's Weekly Message*, 11 April 1856.
7. *Toronto Daily Leader*, 8 April 1856.
8. *Montreal Gazette*, 9 April 1856.
9. *Toronto Daily Leader*, 8 April 1856.
10. *Mackenzie's Weekly Message*, 11 April 1856.
11. *Toronto Daily Leader*, 8 April 1856.
12. *Globe*, 8 April 1856.
13. *Montreal Gazette*, 9 April 1856.
14. *Mackenzie's Weekly Message*, 11 April 1856.
15. *Montreal Gazette*, 9 April 1856.
16. *Toronto Daily Leader*, 8 April 1856.
17. *Mackenzie's Weekly Message*, 11 April 1856.
18. *Toronto Daily Leader*, 8 April 1856.
19. *Ibid.*
20. *Ibid.*
21. *Montreal Gazette*, 9 April 1856.
22. *Toronto Daily Leader*, 8 April 1856. According to *Mackenzie's Weekly Message*, 11 April 1856, Mr. Robinson specifically referred to "a tract of land of 600 acres near Stratford, belonging to a gentleman in England, for which he paid 7s. 6d. $\frac{1}{2}$ acre, he now held at £10 $\frac{1}{2}$ acre."
23. *Globe*, 8 April 1856.
24. *Montreal Gazette*, 9 April 1856.
25. *Toronto Daily Leader*, 8 April 1856.
26. *Mackenzie's Weekly Message*, 11 April 1856.
27. *Montreal Gazette*, 9 April 1856.
28. *Globe*, 8 April 1856.
29. *Toronto Daily Leader*, 8 April 1856.
30. *Globe*, 8 April 1856.
31. *Montreal Gazette*, 9 April 1856.
32. *Globe*, 8 April 1856.
33. *Mackenzie's Weekly Message*, 11 April 1856.
34. *Toronto Daily Leader*, 8 April 1856.
35. *Ibid.*
36. *Montreal Gazette*, 9 April 1856.
37. *Globe*, 8 April 1856.
38. *Mackenzie's Weekly Message*, 11 April 1856.
39. *Toronto Daily Leader*, 8 April 1856.
40. *Mackenzie's Weekly Message*, 11 April 1856.
41. *Toronto Daily Leader*, 8 April 1856.
42. *Mackenzie's Weekly Message*, 11 April 1856.
43. *Toronto Daily Leader*, 8 April 1856.
44. *Mackenzie's Weekly Message*, 11 April 1856.
45. *Globe*, 8 April 1856.
46. *Toronto Daily Leader*, 8 April 1856.
47. *Globe*, 8 April 1856.
48. *Montreal Gazette*, 9 April 1856.
49. *Toronto Daily Leader*, 8 April 1856.

50. *Toronto Daily Leader*, 8 April 1856.
51. *Montreal Gazette*, 9 April 1856.
52. *Globe*, 8 April 1856.
53. *Montreal Gazette*, 9 April 1856.
54. *Toronto Daily Leader*, 8 April 1856.
55. *Globe*, 9 April 1856.
56. *Ibid.*
57. *Montreal Gazette*, 9 April 1856.
58. *Mackenzie's Weekly Message*, 11 April 1856.
59. *Toronto Daily Leader*, 8 April 1856.
60. *Montreal Gazette*, 9 April 1856.
61. *Globe*, 8 April 1856. The figure of £327,000 reported in this excerpt differs from the figure of £357,000 reported by *Toronto Daily Leader*, 8 April 1856, in its transcription of Mr. Mackenzie's speech (see footnote 16).
62. *Toronto Daily Leader*, 8 April 1856.
63. *Montreal Gazette*, 9 April 1856.
64. *Globe*, 8 April 1856.
65. *Ibid.*
66. *Montreal Gazette*, 9 April 1856.
67. *Globe*, 8 April 1856.
68. *Toronto Daily Leader*, 8 April 1856.
69. *Globe*, 8 April 1856.
70. *Montreal Gazette*, 9 April 1856.
71. *Ibid.*
72. *Ibid.*
73. *Globe*, 8 April 1856.
74. *Ibid.*
75. *Ibid.*
76. *Ibid.*
77. *Ibid.*
78. *Mackenzie's Weekly Message*, 11 April 1856.
79. *Globe*, 8 April 1856.
80. *Ibid.*
81. *Mackenzie's Weekly Message*, 11 April 1856.
82. *Globe*, 8 April 1856.
83. *Montreal Gazette*, 9 April 1856.
84. *Mackenzie's Weekly Message*, 11 April 1856.
85. *Toronto Daily Leader*, 8 April 1856.
86. *Globe*, 8 April 1856.
87. *Toronto Daily Leader*, 8 April 1856.
88. *Globe*, 8 April 1856.
89. *Ibid.*
90. *Hamilton Spectator Semi-Weekly*, 9 April 1856.
91. *Globe*, 8 April 1856.
92. *Toronto Daily Leader*, 8 April 1856.
93. *Montreal Gazette*, 9 April 1856.
94. *Toronto Daily Leader*, 8 April 1856.
95. *Montreal Gazette*, 9 April 1856.
96. *Globe*, 8 April 1856.
97. *Ibid.*
98. *Ibid.*
99. *Ibid.*
100. *Ibid.*
101. *Montreal Gazette*, 9 April 1856.
102. *Mackenzie's Weekly Message*, 11 April 1856.
103. *Ibid.*
104. *Ibid.*

105. *Globe*, 8 April 1856.
106. *Toronto Daily Leader*, 8 April 1856, reports that this message from the Legislative Council was announced between Mr. J.A. Macdonald's and Mr. Ferres' respective speeches within the previous debate on the Canada Company.
107. *Globe*, 8 April 1856, differs from the *Journals* and reports that this Bill was introduced by Dr. Frazer; however, *Toronto Daily Leader*, 8 April 1856, specifies that it was introduced by Mr. Foley, "in the absence of Mr. Frazer".
In its synopsis of debates, *Toronto Daily Leader*, 8 April 1856, reports that the Bill was ordered to be read on Wednesday next, whereas it reports in its verbatim account that it was to be read on Thursday next.
108. *Globe*, 8 April 1856.
109. *Ibid.*
110. *Ibid.*
111. *Toronto Daily Leader*, 8 April 1856.
112. *Ibid.*
113. *Ibid.*
114. *Montreal Gazette*, 9 April 1856.
115. *Toronto Daily Leader*, 8 April 1856.
116. *Montreal Gazette*, 9 April 1856.
117. *Globe*, 8 April 1856.
118. *Toronto Daily Leader*, 8 April 1856.
119. *Montreal Gazette*, 9 April 1856.
120. *Globe*, 8 April 1856.
121. *Toronto Daily Leader*, 8 April 1856.
122. *Montreal Gazette*, 9 April 1856.
123. *Toronto Daily Leader*, 8 April 1856.
124. *Globe*, 8 April 1856.
125. *Montreal Gazette*, 9 April 1856.
126. *Ibid.*
127. *Morning Chronicle*, 11 April 1856.
128. *Toronto Daily Leader*, 8 April 1856.
129. *Morning Chronicle*, 11 April 1856.
130. *Hamilton Spectator Semi-Weekly*, 9 April 1856.
131. *Montreal Gazette*, 9 April 1856.
132. *Toronto Daily Leader*, 8 April 1856.
133. *Montreal Gazette*, 9 April 1856.
134. *Globe*, 8 April 1856.
135. *Montreal Gazette*, 9 April 1856.
136. *Globe*, 8 April 1856.
137. *Toronto Daily Leader*, 8 April 1856.
138. *Montreal Gazette*, 9 April 1856.
139. *Globe*, 8 April 1856.
140. *Toronto Daily Leader*, 8 April 1856.
141. *Globe*, 8 April 1856.
142. *Ibid.*
143. *Toronto Daily Leader*, 8 April 1856.
144. *Globe*, 8 April 1856.
145. *Montreal Gazette*, 9 April 1856.
146. *Globe*, 8 April 1856.
147. *Toronto Daily Leader*, 8 April 1856.
148. *Montreal Gazette*, 9 April 1856.
149. *Globe*, 8 April 1856.
150. *Morning Chronicle*, 11 April 1856.
151. *Toronto Daily Leader*, 8 April 1856.
152. *Montreal Gazette*, 9 April 1856.
153. *Ibid.*
154. *Ibid.*
155. *Toronto Daily Leader*, 8 April 1856.
156. *Globe*, 8 April 1856.
157. *Toronto Daily Leader*, 8 April 1856.

158. *Toronto Daily Leader*, 8 April 1856.
159. *Montreal Gazette*, 9 April 1856.
160. *Toronto Daily Leader*, 8 April 1856.
161. *Montreal Gazette*, 9 April 1856.
162. *Globe*, 8 April 1856.
163. *Montreal Gazette*, 9 April 1856.
164. *Toronto Daily Leader*, 8 April 1856.
165. *Ibid.*
166. *Montreal Gazette*, 9 April 1856.
167. *Toronto Daily Leader*, 8 April 1856.
168. *Morning Chronicle*, 11 April 1856.
169. *Globe*, 8 April 1856.
170. *Montreal Gazette*, 9 April 1856.
171. *Globe*, 8 April 1856.
172. *Toronto Daily Leader*, 8 April 1856.
173. *Montreal Gazette*, 9 April 1856.
174. *Globe*, 8 April 1856.
175. *Montreal Gazette*, 9 April 1856.
176. *Globe*, 8 April 1856.
177. *Montreal Gazette*, 9 April 1856.
178. *Globe*, 8 April 1856.
179. *Montreal Gazette*, 9 April 1856.
180. *Globe*, 8 April 1856.
181. *Montreal Gazette*, 9 April 1856.
182. *Globe*, 8 April 1856.
183. *Toronto Daily Leader*, 8 April 1856.
184. *Globe*, 8 April 1856.
185. *Toronto Daily Leader*, 8 April 1856.
186. *Globe*, 8 April 1856.
187. *Montreal Gazette*, 9 April 1856.
188. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
189. *Montreal Gazette*, 9 April 1856.
190. *Globe*, 8 April 1856.
191. *Montreal Gazette*, 9 April 1856.
192. *Globe*, 8 April 1856.
193. *Toronto Daily Leader*, 8 April 1856.
194. *Montreal Gazette*, 9 April 1856.
195. *Toronto Daily Leader*, 8 April 1856.
196. *Globe*, 8 April 1856.
197. *Toronto Daily Leader*, 8 April 1856.
198. *Globe*, 8 April 1856.
199. *Toronto Daily Leader*, 8 April 1856.
200. *Montreal Gazette*, 9 April 1856.
201. *Toronto Daily Leader*, 8 April 1856.
202. *Globe*, 8 April 1856.
203. *Montreal Gazette*, 9 April 1856.
204. *Globe*, 8 April 1856.
205. *Ibid.*
206. *Ibid.*
207. *Montreal Gazette*, 9 April 1856.
208. *Globe*, 8 April 1856.
209. *Toronto Daily Leader*, 8 April 1856.
210. *Globe*, 8 April 1856.
211. *Ibid.*
212. *Montreal Gazette*, 9 April 1856.
213. *Globe*, 8 April 1856.
214. *Montreal Gazette*, 9 April 1856.

215. *Globe*, 8 April 1856.
216. *Montreal Gazette*, 9 April 1856.
217. *Toronto Daily Leader*, 8 April 1856.
218. *Globe*, 8 April 1856.
219. *Montreal Gazette*, 9 April 1856.
220. *Toronto Daily Leader*, 8 April 1856.
221. *Globe*, 8 April 1856.
222. *Toronto Daily Leader*, 8 April 1856.
223. *Montreal Gazette*, 9 April 1856.
224. *Globe*, 8 April 1856.
225. *Montreal Gazette*, 9 April 1856.
226. *Globe*, 8 April 1856.
227. *Ibid.*
228. *Montreal Gazette*, 9 April 1856.
229. *Globe*, 8 April 1856.
230. *Montreal Gazette*, 9 April 1856.
231. *Globe*, 8 April 1856.
232. *Montreal Gazette*, 9 April 1856.
233. *Ibid.*
234. *Toronto Daily Leader*, 8 April 1856.
235. *Montreal Gazette*, 9 April 1856.
236. *Toronto Daily Leader*, 8 April 1856.
237. *Montreal Gazette*, 9 April 1856.
238. *Globe*, 8 April 1856.
239. *Montreal Gazette*, 9 April 1856.
240. *Globe*, 8 April 1856.
241. *Montreal Gazette*, 9 April 1856.
242. *Globe*, 8 April 1856.
243. *Montreal Gazette*, 9 April 1856.
244. *Globe*, 8 April 1856.
245. *Toronto Daily Leader*, 8 April 1856.
246. *Montreal Gazette*, 9 April 1856.
247. *Toronto Daily Leader*, 8 April 1856.
248. *Montreal Gazette*, 9 April 1856.
249. *Toronto Daily Leader*, 8 April 1856.
250. *Montreal Gazette*, 9 April 1856.
251. *Globe*, 8 April 1856.
252. *Montreal Gazette*, 9 April 1856.
253. *Globe*, 8 April 1856.
254. *Montreal Gazette*, 9 April 1856.
255. *Globe*, 8 April 1856.
256. *Toronto Daily Leader*, 8 April 1856.
257. *Hamilton Spectator Semi-Weekly*, 9 April 1856.
258. *Montreal Gazette*, 9 April 1856.
259. *Hamilton Spectator Semi-Weekly*, 9 April 1856.
260. *Montreal Gazette*, 9 April 1856.
261. *Hamilton Spectator Semi-Weekly*, 9 April 1856.
262. *Montreal Gazette*, 9 April 1856.
263. *Hamilton Spectator Semi-Weekly*, 9 April 1856.
264. *Montreal Gazette*, 9 April 1856.
265. *Hamilton Spectator Semi-Weekly*, 9 April 1856.
266. *Montreal Gazette*, 9 April 1856.
267. *Globe*, 8 April 1856.
268. *Hamilton Spectator Semi-Weekly*, 9 April 1856.
269. *Globe*, 8 April 1856.
270. *Montreal Gazette*, 9 April 1856.
271. *Globe*, 8 April 1856.

272. *Montreal Gazette*, 9 April 1856.
273. *Toronto Daily Leader*, 8 April 1856.
274. *Globe*, 8 April 1856.
275. *Montreal Gazette*, 9 April 1856.
276. *Globe*, 8 April 1856.
277. *Hamilton Spectator Semi-Weekly*, 9 April 1856.
278. *Globe*, 8 April 1856.
279. *Montreal Gazette*, 9 April 1856.
280. *Globe*, 8 April 1856. In a commentary pertaining to the debates of the 3rd March 1856, *Le Pays*, 12 April 1856, reports the following remarks about rumours of internal ministerial discontent: "Le malaise dans lequel se trouve le ministère continue toujours; des rumeurs de toutes sortes continuent à circuler. Les ministériels prétendus réformistes du Haut-Canada se sont assemblés en *caucus* mardi et ont requis le ministère de faire résigner Sir Allan McNab. Mercredi les ministres ont eu une assemblée dans la chambre de Sir Allan qui est trop malade pour sortir de chez lui; mais ils n'ont pas pu obtenir sa résignation. Le premier ministre est décidé à garder son portefeuille malgré ses collègues, et comme il est le chef, ils ne peuvent le forcer à résigner qu'en résignant eux-mêmes, ce qu'ils ne sont pas décidés à faire, car ils ne savent pas comment les cartes pourraient tourner. Les journaux qui ont toujours donné leur appui à la coalition insistent pour des changemens dans le cabinet. On a parlé de la résignation de M. Cauchon, mais ce dernier aussi veut prolonger les délices et les profits de sa position aussi longtemps que possible. Que va-t-il résulter de tout ceci? Ce qu'il y a de certain, c'est que le gouvernement responsable ne gagne rien à tout cela, et que la position actuelle tend à le détruire de fond en comble." *Western Planet*, 10 April 1856, also notes that "there are all sorts of stories about ministerial changes; but it is hardly worth while to give any account of things, which after all may never come about. All that is certain is that there is a great deal of dissatisfaction on the ministerial side of the House with present arrangements; but what will be the issue can only be known after it has taken place. Conjecture is wholly at fault in such a complete upturning of everything as that which has taken place in the political world within a few weeks."
281. *Montreal Gazette*, 9 April 1856.
282. *Ibid.*
283. *Globe*, 8 April 1856.
284. *Montreal Gazette*, 9 April 1856.
285. *Globe*, 8 April 1856.
286. *Ibid.*
287. *Ibid.*
288. *Montreal Gazette*, 9 April 1856.
289. *Globe*, 8 April 1856.
290. *Montreal Gazette*, 9 April 1856.
291. *Toronto Daily Leader*, 8 April 1856.
292. *Morning Chronicle*, 11 April 1856.
293. *Globe*, 8 April 1856.
294. *Montreal Gazette*, 9 April 1856.
295. *Globe*, 8 April 1856.
296. *Montreal Gazette*, 9 April 1856.
297. *Globe*, 8 April 1856. Commentaries on this debate are reported in *Le Pays*, 15 April 1856, *Montreal Gazette*, 15 April 1856, and *Western Planet*, 17 April 1856.
298. *Globe*, 8 April 1856.
299. *Ibid.*
300. *Ibid.*
301. *Ibid.*
302. *Ibid.*
303. *Toronto Daily Leader*, 8 April 1856, and *Globe*, 8 April 1856, both report that the house adjourned at "half past eleven o'clock."
304. *Globe*, 8 April 1856. *Morning Chronicle*, 11 April 1856, reports a commentary on Mr. Price's enquiries regarding the Saguenay region.
305. *Globe*, 8 April 1856.
306. *Ibid.*
307. *Telegraph (Morning Chronicle)*, 8 April 1856.
308. *Globe*, 8 April 1856.
309. *Ibid.*
310. *Toronto Daily Leader*, 8 April 1856.

TUESDAY, 8 APRIL 1856

(255)

MR. SPEAKER laid before the House, — Statement of the affairs of the *Northumberland and Durham Savings Bank*, on the twenty-third February, 1856.

For the said Statement, see Appendix (No. 5.)

The following Petitions were severally brought up, and laid on the table: —

By Mr. *Chisholm*, — The Petition of *David McClelland* and others, of the County of *Peel*; the Petition of *James Clarke* and others, of the County of *Peel*; and the Petition of *John Vanuryck* and others, of the County of *Peel*.

By Mr. *Cook*, — The Petition of *Benjamin Thornton* and others, of *West Oxford*.

By Mr. *Daly*, — The Petition of *Freeborn Kee* and others, of the Township of *Wallace*; the Petition of *William P. Hutton* and others, of *St. Mary's*; the Petition of *Daniel McKendrick* and others, of the Village of *Penetangore*; the Petition of the Municipality of the Townships of *Logan, Elma, and Wallace*; and the Petition of the Reverend *Thomas Macpherson* and others, of *Stratford*, County of *Perth*.

By Mr. *Angus Morrison*, — The Petition of *James W. Skelton* and others, of the City of *Toronto*.

(256)

By Mr. *Stevenson*, — The Petition of *Thomas Wycott* and others, Bailiffs of Division Courts in *Upper Canada*.

By Mr. *Wilson*, — The Petition of *Josiah Watson* and others, of the City of *London*; and the Petition of *Charles Lindsay* and others, of the City of *London*.

By Mr. *DeWitt*, — The Petition of *Wolfred Nelson*, late Mayor, and others, of the City of *Montreal*.¹

Mr. *Sidney Smith*, from the Standing Committee on Standing Orders, presented to the House the Eleventh Report of the said Committee; which was read, as followeth: —

Your Committee have examined the following Petitions, and find the Notices sufficient, viz: — Of *A. Macdonell* and others, for incorporation of the *Victoria Mining Company*; of *John Powell* and others, of the Town of *Niagara* and other places, relative to the Will of the late Honorable *W.D. Powell*; of *James Sanson* and others, for incorporation of a Company for running Steamboats, &c. in connection with the *Ontario, Simcoe, and Huron Railroad Company*.

On the Petition of the Mayor, Aldermen, and Commonalty of the City of *Hamilton*, for authority to construct Water Works, — It appears that formal Notice has only been published since the end of February, but the proceedings of the City Council having been published in the local papers, and also a Report by an Engineer appointed on the part of the Council to make an Examination and Report upon the matter, Your Committee beg to recommend that the Notice be considered sufficient.

On the Petitions of the Reverend *A. T. Atkinson* and others, Church-wardens and Members of *St. George's Church* in the Town of *St. Catharines*, for authority to sell a piece of land acquired for the erection of a Parsonage House, — and of the Town Council of the Town of *St. Catharines*, for authority to dispose of a lot of land acquired for the purposes of a Cemetery, Your Committee find that no Notice has been given.

The Petitions of the Mayor, Aldermen, and Commonalty of the City of *Toronto*, for authority to reduce the rate which they are required to levy under 16 *Vic. cap. 5*; and of the *Ontario, Simcoe, and Huron Railroad Company*, for power to run Steamers on Lake *Simcoe*, &c., are not, in the opinion of Your Committee, of a nature to require the publication of Notice.

Ordered, That Mr. *Joseph Curran Morrison* have leave to bring in a Bill to amend the Charter of the *Ontario, Simcoe, and Huron Railroad Company*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

On motion of Mr. *Stevenson*, seconded by Mr. *Terrill*,
Resolved, That this House doth concur in the Ninth Report of the Standing Committee on Printing.

Ordered, That Mr. *Bowes* have leave to bring in a Bill to incorporate the *Victoria* Mining Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of Mr. *Dufresne*, seconded by Mr. *Gill*,

Ordered, That so much of the 67th Rule of this House be suspended, as relates to the payment of Fifteen pounds, as far as the same is applicable to the Bill to amend the Act incorporating the *L'Assomption* River and Railway Company.

MR. LYON moved for an address to His Excellency the Governor General, praying him to cause to be laid before the House copies of all communications between the Attorney General's Department and that of the Receiver General, relative to the negotiation of Debentures for the Municipal Council of Terrebonne, in favor of the Montreal and Bytown Railway Company.² The hon. member stated that he moved this in compliance with instructions from the Committee of which he was Chairman, who were desirous of obtaining all the information they could as to the legality of the exchange of the County of Terrebonne Debentures with the Government for Provincial Debentures. He presumed there would be no opposition to the motion from either side of the house.³

MR. AT. GEN. J.A. MACDONALD said that such a motion was altogether out of order. The opinion given by the Crown officer to the head of the Government, could not be produced in that House, being strictly confidential.⁴

MR. J.S. MACDONALD. — Not universally so. There were several cases in which opinions given by the Attorney General had been obtained by the House of Commons.⁵

MR. GALT thought this an extraordinary case, such as should justify a departure from the ordinary rule. It was not an individual member who asked for these papers, but a Committee appointed to investigate the matter, and the fullest information should be afforded them, to enable them to arrive at a just decision.⁶

MR. SOL. GEN. H. SMITH concurred in the view taken by the hon. the Attorney General. Such advice was looked upon as private and confidential, and in no case that he had heard of, was such advice looked upon in any other light.⁷ [He] applied to the hon. member for Glengarry to say if it were not true that during the 15 years he had been in Parliament together no demand for the opinion of a law officer had been granted. On one occasion Mr. Baldwin had argued the case very strongly against the party when demanded.⁸ The opinion of the Crown officer ... was merely given for advising the head of the Government; and was, he would repeat strictly confidential.⁹

MR. CAMERON said there could be no doubt of the correctness of the views expressed by the Crown officers. The case of the Crown officers advising the head of the Government, was analogous to that of Counsel advising his client, and was strictly confidential.¹⁰

MR. A. DORION (Montreal,) understood that the opinion of the Crown officer had not been asked for. The only thing sought was some communications which had passed between the offices of the Receiving General and Attorney General.¹¹

MR. AT. GEN. J.A. MACDONALD was not aware of any such correspondence having passed between the two offices, that could be of any use to the House. The only thing he knew of, bearing on this case, was his opinion, which, he had before explained was strictly confidential.¹² Perhaps the best way was for the Committee to send for the Attorney General and ask him to produce such papers as they wanted. They were authorized to do so. There was a still greater difficulty here than in England in this matter, for here the Attorney General was in the Cabinet. Suppose after advising on the strict law of the matter, his opinion was overruled for reasons of state in Council, it would be improper that his opinion should be brought up against him or his colleagues.¹³

MR. J.S. MACDONALD only remembered two such demands made in Canada, and both had been refused. In England, however, it was left to the Attorney General to state whether they should be furnished or not, he not being in the Cabinet.¹⁴

MR. WILSON said the Committee did not desire the Attorney General's confidential communications to the Government. What was required was only the ordinary correspondence upon the subject which had passed between the parties.¹⁵

MR. LORANGER was under a similar impression.¹⁶

MR. AT. GEN. J.A. MACDONALD said, that if he understood the hon. member for Russell to ask for any correspondence not embraced in the rule he had laid down — as having relation to the opinion he had given to the head of the Government — he had no objection to the motion. He wished it to be distinctly understood that otherwise he would not consent to the motion.¹⁷

MR. LYON said he would be satisfied with obtaining the Receiver General's reasons for acting as he did, without insisting on the opinion of the Attorney General, as the law adviser of the Crown.¹⁸

The motion was then agreed to.¹⁹

(257)

On motion of Mr. *Lyon*, seconded by Mr. *Prévost*,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, copies of all Communications between the Attorney General's Department, and that of the Receiver General, relating to negotiation of Debentures for the Municipal Council of *Terrebonne* in favor of the *Montreal* and *Bytown* Railway Company.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

The Honorable Mr. *Cameron*, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Third Report of the said Committee; which was read, as followeth: —

Your Committee have examined the Bill to confirm the Patent for Lot number four, Broken Concession A and B, in the Township of *Hamilton*, and have agreed to an amendment, which they beg to submit for the consideration of Your Honorable House.

Ordered, That the Bill to confirm the Patent for Lot number four, Broken Concession A and B, in the Township of *Hamilton*, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Conger* reported, That the Committee had gone through the Bill, and directed him to report the same without any amendment.

Ordered, That the Bill be read the third time To-morrow.

On motion of Mr. *Wilson*, seconded by the Honorable Mr. *Young*.

Ordered, That the 62nd Rule of this House be suspended, as regards a Bill to incorporate a Company to construct a Railway from the City of *London* to intersect the Grand Trunk Railway at *St. Mary's*, or at some point north of *London*.

Ordered, That Mr. *Wilson* have leave to bring in a Bill to incorporate a Company to construct a Railway from the City of *London* to intersect the Grand Trunk Railway at *St. Mary's*, or at some point north of *London*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. A. DORION moved "an address to his Excellency [f]or copies of any correspondence had during the present year with the Government relating to the construction of the Lake Champlain Canal and enlargement of the Welland Canal." The hon. member said, that after what had passed the other night, it was necessary that this correspondence should be placed before the public. (Hear, hear.) The correspondence had taken place between one of his colleagues and the member for Sherbrooke, with a member of the Government, on a matter of great public interest. For a long time his hon. colleague (Mr. Young) had been very anxious to prosecute a work of very great importance to the Province, the making of a Canal to connect the waters of the St. Lawrence with those of Lake Champlain. And he had understood some time ago from his hon. friend that during the present session he had had communications with the Inspector General on the subject; that in those conversations objections were made to the Government undertaking the work, as a Government work, in the present depressed state of the revenue — and that thereupon it was suggested, he did not know by which party, that the work might probably be done by a private company, and to show his confidence in the work, the member for Montreal stated that he might himself get up a Company for the purpose. He was requested to put his views in writing, and with the member for Sherbrooke [Mr. Galt], submitted a plan by which the work might be completed, at the same time expressing the opinion, that they had no desire to construct the work by a private company, and desired it should be undertaken by the government — but that if the government could not undertake it, they considered the matter of such importance that they would themselves form a Company for the construction of the work. This correspondence had been before the Inspector General for the last five or six weeks, but, if he was rightly informed, no answer had been given to the proposition, until allusion was made to it in the house the other night by the Inspector General, when one or both of his hon. friends were not in their place. It was due, therefore, to those hon. gentlemen, since the government had declined to give an answer to that correspondence, except in a way that was calculated to lead the public to believe that there was some gross job in the matter — it was due to them that the whole affair should be brought before the public, that the public might judge of it. The hon. gentlemen who had had communications with the government, had not concealed the course they were taking, and as he had seen a copy of the correspondence he felt warranted in saying that they had nothing to conceal. But they had reason to complain of the extraordinary course taken by the Inspector General, in bringing the matter before the house in the way he did, without having given any notice to the gentlemen themselves. (Hear, hear.)²⁰ In conclusion, the hon. gentleman expressed a hope that the Government would lay the correspondence before the House.²¹

MR. HOLTON said. — As the hon. Inspector General the other night introduced a reference to this subject which has been a subject of confidential communication between some friends of mine and the department of whom he is the head, I wish to state the entire absence, on my part, of any connection with the negotiations to which that hon. gentleman referred. I have never, directly or indirectly, in writing or verbally, had any communication whatever with the Inspector General in relation to the subject matter of the papers now moved for. He identified me with those communications some days ago. He has never withdrawn those statements or apologized for them, and I leave it to him to explain the discrepancy between the statement that I have just made, and the statement made to the house. I should be sorry to charge him with intentionally stating what he did with relation to myself or any

other hon. member, but the facts are as I have stated them. But yet it is in keeping with a very bad habit which the hon. Inspector General has of starting surprises upon hon. gentlemen upon this side of the house. He has tried to place them at a disadvantage at various times, and I am surprised, that the utter discomfiture which has attended all of his attempts before has not impressed him with a due sense of the imprudence, if not the impropriety of starting these surprises.²² But there was some method in such extraordinary attacks, futile as they were; and on the occasion in question it was evidently intended to excite the advance feelings of distrust of the financial plans of his (Mr. H.'s) side of the House, by dragging before the House confidential communications to which there had been no official reply, and which were therefore not the property of the House. The object of the attack was to prejudice²³ the minds of hon. members of this house against hon. gentlemen who, from their pursuits, would very naturally be called upon to notice the financial policy of the hon. Inspector General. It was done to prejudice, in advance, the minds of hon. members in this house against my hon. friend sitting beside me and myself, as to a matter in which we had no concern, representing us as being desirous of getting possession of the public reserves of the country for our own particular purposes. How successful the hon. gentleman was, the house will judge after the statement of facts which I have made so far as I am concerned. How far it would be acceptable to my honourable friend on my left (Mr. Young), who²⁴, for more than ten years,²⁵ has devoted more energy and disinterested exertion to the promotion of the great causes of internal improvement in this country than any gentleman in or out of this house, I need not say. How far the remarks made will apply to the hon. member for Sherbrooke, I will not determine, but leave his defence in his own hands. Having stated that I have had no connection with this matter, I may perhaps venture to state the reason why I declined, when consulted by my friends, as it was the principal reason which prevented me from having anything to do with it. I share[d] with my hon. friends in their desire to promote these great works, and [said] that upon the failure of the government to acquit themselves of their duty, and if the financial affairs of the country should render it impossible to them to be undertaken by the Province, I would willingly join in assisting their execution by private enterprise.²⁶ But ... [having] no confidence in their success under present circumstances²⁷, [I] replied to them, "You are only wasting your time and efforts. The Inspector General has not the courage to grapple with a subject of this magnitude," (oh, oh.)²⁸ How accurate my measure of that honourable gentleman has turned out to be, I think I have shown. I do not desire to enter into a long discussion upon the matter, but I felt it right to repel thus early what I had not the opportunity of doing the other night, namely, the statement made by the Inspector General on the debate on the Resolutions of the Honourable Provincial Secretary, that I had that very night called upon him to hand over to me the entire public works of this Province for my own purposes.²⁹

MR. INSP. GEN. CAYLEY. — I am very much obliged to the hon. mover of this Resolution that he has given me the opportunity of offering any explanation upon this subject. If the rules of the house had permitted me to go on on the former occasion, I should certainly, the other evening, have removed any impression from the mind of the hon. member for Sherbrooke, (who at the time I was not aware was out of his place), that there was anything offensive or personal in my remarks upon this subject.³⁰ It would be remembered that I got up in reply to a challenge thrown across the floor, not the first nor the second time, by the honorable member for Montreal (Mr. Dorion,) that he wished to hear³¹ [my] opinion in respect to the financial portion of the scheme of ... the Provincial Secretary³². The words he made use of were, "that it was vain to expect anything comprehensive from the present make-shift Government," and such other terms. I felt the invitation was not given in the most courteous terms. The expressions "short-sighted policy, corrupt Administration, making places for placeholders," and so on, were not the most polite terms; and had I replied in the same terms, I would have used language which would undoubtedly have wounded the feelings of the honorable gentleman opposite. I endeavored to reply — and in referring to the magnitude of the scheme of the hon. gentleman,³³ as compared with the more modest character of those which ... [I] was prepared to submit to the House³⁴, I in no way said anything disparaging of it. The language I used is given in the Reports of the evening's debates.

The hon. gentleman here read from the *Globe*, that part of the report which referred to his remarks in reply to the hon. member for Sherbrooke. He then said³⁵ [that] what he had read ... showed that honourable gentlemen upon his side of the house had not got such comprehensive minds as the hon. gentleman opposite, that he (Mr. C.) had not used any terms in disparagement of him. He certainly did think that when he was now charged with having offered no explanation, and with not having withdrawn the assertions which he had made, he might in justification and with propriety state that he thought no further apology was required at his hands than he made upon the very occasion referred to, when he acknowledged to the hon. member for Sherbrooke (Mr. Galt) that he was wrong. But in the confusion of the debate, the Speaker having ruled that the debate was out of order, the hon. member for Montreal (Mr. Young) had dropped the remark that he (Mr. Cayley) had made a mis-statement. In explanation of that he would say that the moment he had the opportunity, he wrote a note to that hon. gentleman which he would now read — ³⁶

Friday Evening, 4th April.

SIR, — You say I have made a misstatement; if you will point it out, I shall be happy to acknowledge or explain it.

Yours, &c.,

W. CAYLEY.

Mr. JOHN YOUNG.

The reply I got from him was, —

Friday Evening, 4th April.

SIR, — I have your note of this evening, in which you state that I said that you had made a misstatement, and that if I will point it out you will be happy to acknowledge and explain it.

The misstatement I referred to, and which I had not the opportunity of explaining, was, that in your remarks, you charged my colleague, Mr. Holton, as the party who, with Mr. Galt, had been in negociation with you, and signed a letter for the lease of canals, &c. When the fact is, that Mr. Holton had nothing to do with the matter, and that the letter was signed by Mr. Galt and myself. This was the misstatement, as I and Mr. Holton understood it.

Your ob't Servant,

JOHN YOUNG.

Hon. W. CAYLEY.

I immediately sent another note stating that I was happy to find that was all the misstatement. It was as follows: —

Friday Evening, April 4.

DEAR SIR, — You are perfectly right. The letter was signed by you and not Mr. Holton. If you think that the House did not understand my acquiescence when Mr. Holton corrected me, I shall be happy to repeat it.

Yours faithfully,

W. CAYLEY.

The reply I got was as follows: —

Friday Evening, April 4.

MY DEAR SIR, — I shall be obliged by your making the explanation when you get an opportunity, as I have a great repugnance that any one should bear any of my sins.

A notice has been put upon the Notices of Motions for the publication of the letters; when this motion comes up it will be time enough to notice the mistake.

Yours truly,

JOHN YOUNG.

Hon. W. CAYLEY.

Mr. Speaker, — I think the explanation was offered to Mr. Holton upon the occasion, and I have adopted Mr. Young's own time to explain further and to refer to these notes. In regard to the proposition itself, the hon. member for Montreal who spoke last, complains that I made an unwarrantable statement and committed a breach of courtesy by repeating private communications. I find, however, in the paper from which I have quoted, that the hon. member for Lambton had been made aware of this correspondence, and intended to put a notice upon the paper for a copy of it. I may state further, that I was addressed the same evening by the hon. member for Sherbrooke, and hon. Mr. Young, to know whether I was going to furnish them with a reply to their communications. I made some remark to the effect that I had replied verbally — but said the member for Sherbrooke — we wanted some further explanation to make use of it.³⁷ But he could not suppose that the hon. member for Sherbrooke viewed the communication in the light of a confidential one.³⁸ There is one error which has crept into this discussion, and which I traced to the want of accuracy, in informing the Editor of one of the city papers of the facts of the accompanying statements, as they appeared in the *Leader*. It was there stated that I had invited such a communication from these two gentlemen as that addressed to me. Now, Sir, the point I would call the attention of the hon. gentleman to is this, that I invited no communication from them in reference to the Welland Canal or the Lachine Canal, nor had I any idea³⁹, when the conversation took place, that it was passing in the hon. gentlemen's minds that those Canals were to be embraced in any propositions that they were invited to make.⁴⁰ So far as my memory guides me, the St. Lawrence Canals were the only ones mentioned, and I spoke of the many demands made upon the Government, and said that this was a very inauspicious period to make any advances from the public funds. The remarks made by these gentlemen changed the aspect of the case. I said that it was an object which would require a great deal of consideration — that I attached no great importance to the revenues of those Canals, as a source of revenue. I looked upon them as so many features in our line of communication from East to West, but not of importance for purposes of revenue, and therefore, if it were shown that the revenues of the country would not be damaged by the project, I should be glad⁴¹ to have their views upon the matter so as to carry out the Caughnawaga Canal without injury to the other public works. A proposition was handed to him [Mr. Cayley], embracing the lease of the Welland and Lachine Canals, but with regard to the former canal, the proposition was of a much more comprehensive character than that they had been discussing. When they met afterwards the grounds were shifted. He had no conception that they had been talking about the Welland Canal. He made this reply, that it was a new ground taken and he was unprepared to go into the consideration of it.⁴² [Their] answer was, the St. Lawrence Canals alone would not enable us to attain this object. I placed the communication in the hands of one of my colleagues, the Commissioner of Public Works, in order to ascertain his views upon it, and he did not seem to entertain the idea, and therefore, the correspondence was confined to that one letter. I do not know that I made use of any offensive expression, nor do I find from the report of the debate, that I used any offensive language to either of these gentlemen. I did not charge their schemes as a joke, nor even got up for personal aggrandisement. I spoke of it as a large, comprehensive scheme, and was stopped proceeding further. I was much surprised, therefore, to find in the *Leader*, that I had characterised this scheme as a joke. I used no such term. If anything offensive may have been used, I withdraw it; for whatever may be the offensive term used towards me, I would not throw it back to any man.⁴³

MR. YOUNG did not think anybody would deny that his colleague (Mr. Holton) had nothing to do with this correspondence,⁴⁴ [nor] that the effect produced upon the minds of the House generally, was that some underhand and secret means had been taken, by which the revenues of the Canals of the Province were sought to be obtained by the honorable member for Sherbrooke, and himself. It was perhaps due to him to explain the circumstances under which that correspondence originated. It was well known that for several years he had devoted much of his time to direct public attention, and the attention of the Government to the necessity of connecting the waters of the St. Lawrence with the waters of Lake Champlain.⁴⁵ He had procured reports from the public departments and other resources to

be circulated on the subject, shewing how much of the present unfortunate position of the trade of the country was owing to the lack of this completing link of our inland line of connection. It was in consequence of his persistence in urging this matter on the public attention that the hon. member for Sherbrooke among others had adopted his views on the subject.⁴⁶ The hon. member for Sherbrooke had listened to this idea with interest, and he succeeded in enlisting him in the object. When he and that hon. member came up to this city, he asked the hon. member if he would not accompany him in seeing the Inspector General in relation to this work. He acceded, and they saw that hon. gentleman and asked him if it was the intention of Government to do anything in reference to the work. The Inspector General replied, that it was not possible under the present system of finances of the country to do anything in relation to it. He (Mr. Young) then adverted to the position of the tariff, the liabilities upon our railroads and lands, and it ultimately resulted in a suggestion being made, whether the Canals could not be made a basis by which to obtain the money through the form of a lease of any of the other Canals. The answer made by the Inspector General was, "You put it in a new light, and if you will write out your plan, I shall take it into my most earnest consideration." (Hear, hear.)⁴⁷ It was perfectly true that the first plan referred only to the St. Lawrence Canals. The Welland Canal was not embraced in it. In fact the suggestion was almost new to himself. But his hon. friend for Sherbrooke thought that this might be a means of obtaining capital to construct this work, which Government considered they were unable to do themselves. At the same time we objected to any private company assuming public works, that we should much prefer Government taking up this work, but if not they thought this the best mode of doing it. We prepared a letter and sent it in, and in some eight or nine days after, he (Mr. Young) had a private conversation with the Inspector General, and stated to him that it was necessary they should have an answer soon⁴⁸. He (Mr. Young) also saw the Commissioner of Public Works on the subject, and Mr. Killaly. He had stated to the Commissioner that it was his intention to leave the country for a time in the spring,⁴⁹ but if such an object could [be] accomplished by his staying here, he had very good grounds for believing from his travels in the United States during the past winter, that he could carry out this work without any assistance from Government whatever. He stated the same thing to Hon. Mr. Killaly, and other gentlemen interested in the progress of the country. He mentioned this simply to show that they had no intention of doing anything in an underhand or secret way whatever. The only object they had was the carrying out of that great work, in which they believed the welfare of the country depended. He might be wrong in that opinion, but when he considered the position of the country at present, he conceived that either Government must take up this work, or some means must be adopted by which the liabilities of the Province must be met. In support of this position he would just refer to the present state of our trade. Would it be believed that the whole of our exports in 1854 to the British West India Islands was £2,248, and that the whole of our imports from these Islands was £668. That the whole of the exports to all foreign countries exclusive of the United States, was, in 1854, only £46,000; and that the whole of the imports from all foreign countries was £338,000; while the whole of the export and import trade of the country with all countries, the United States included, was £7,000,000, making the whole mercantile community of Canada the mere wholesale and retail merchants of the United States.⁵⁰ This being the state of the trade of the country, he thought it an important consideration for this House whether these canals were not the means by which a revolution could be made. They had £3,446,780 invested in the St. Lawrence, the Chambly, and the Lachine canals. For the five years prior to the year 1854, the special repairs of these canals had cost about £480,000, by special appropriation from this House. Their general repairs had cost £172,695, making the sum of £652,695 expended on these canals in the past five years up to 1854 in keeping them in repair. What amount did they yield? The total receipts for these five years was £458,889, being £193,806 less than the disbursements or an outlay of nearly £40,000 a year for these five years, over and above all receipts. This too was independent of the interest on the capital invested. Calculating the interest at 6 per cent. it was £925,000, being a positive loss to the Company for these canals of £1,118,000.⁵¹ The direct public debt up to 31st January, 1855, was £5,153,949, indirect debt £6,489,509; total liability of £11,643,458.⁵²

There was another point in which they were interested: They had invested in Railways £5,093,574⁵³ up to 31st January, 1855,⁵⁴ and he would say, that these railways could not prevent the stream of commerce being directed down its natural highway, the St. Lawrence; and it was absolutely necessary therefore, to ascertain how these railroads would be made to aid in developing that commerce. They had got the St. Lawrence, such a stream as existed nowhere else in the world, and it was necessary to make such works as would be commensurate with the magnitude of that river.⁵⁵ [They] had failed from want of creating the proper facilities of drawing the trade down it. Nay, it was being diverted from it.⁵⁶ What was the effect of their present course? As regards the trade of Montreal and Quebec, it was in 1845, £6,110,000, and in ten years later it was only £5,700,344, a decline of nearly 10 per cent. in 10 years — while the general trade of the Province had advanced from £4,124,000 to £15,448,000. Taking such facts into consideration, hon. members would free him from any imputations of having gone about this subject in an underhand or secret manner. He had some delicacy in making any reference to Ministers at all, because if they did not deem it necessary to take up that project he never would have said one word about it. He did not want to press it upon the Administration. He merely wished to throw all he possessed in the world into the development of this scheme, and he wished to show that such was the opinion of men of capital in the United States — that such was the opinion of this project entertained by men in a foreign country, that he could have got the capital for the building of this Canal even if the Government of Canada had not adopted it. In reference to the stream of commerce which he was striving to direct by way of the St. Lawrence, he would say that the exports and imports of Boston and New York were £75,000,000, while the exports and imports of Montreal and Quebec, for 1854, were only £5,900,000. The idea seemed to have got possession of the Inspector General's mind that these Canals could not be made the means of revenue; but he considered the possession of the St. Lawrence by Canada, not only the means of getting the advantage of the stream of Western trade, but also the means of making the neighbouring States tributary to Canada⁵⁷ if she had these public works properly carried out, but they were not. He would contend that no national work here ought to be carried out without consulting the levels of the country. He contended from the statement he had just laid before the House, that the country was suffering from the causes he had stated so frequently.⁵⁸ These facts deserved the best consideration of the House. The hon. member ... [also made] some remarks as to the feeling entertained in regard to this Caughnawaga Canal in Montreal.⁵⁹ After ... contending that every Commissioner of Public Works, for several years past, had recommended it, he said he believed also that the present Commissioner was prepared to recommend it.⁶⁰

MR. COM. PUB. WORKS LEMIEUX. — Not the Canal via Caughnawaga. The Hon. Mr. Young might have won more popularity for himself had he formed the scheme for carrying the canal from a point opposite the city; but in a great national work of this kind, he deemed it his duty to advocate the route which would make it most successful, by consulting, not local interests, but the trade of the country, which would enable it to carry freight most cheaply.⁶¹

MR. GALT certainly rejoiced to hear the expressions which had fallen from the Honorable Inspector General. He was pained to hear that during his absence from the House he had been attacked by that hon. gentleman in a manner to impugn his character and his personal honor. He did not desire, after the apology offered, to reiterate any complaint. Nothing could be more satisfactory than the explanation of the Inspector General. He could not believe he had made any remarks intended to be personal to himself. But the Inspector General would pardon him if he called his attention to the danger of making this sort of assertion in the House without an opportunity of complete explanation. By this means a man's character might be seriously affected without giving him an opportunity of clearing it on the spot⁶² — his only fault being that he was a political opponent.⁶³ He understood the hon. gentleman to say now that the statements were made jocosely. Did he understand him correctly? Were those statements made in earnest or in *badinage*?⁶⁴

MR. INSP. GEN. CAYLEY. — In *badinage*. After the speech of the member for Montreal, I was going to contrast the great schemes on that side, with the absence of all such schemes on this. (Hear, hear.)⁶⁵

MR. GALT then proceeded to enter into explanations as to an extension of the plan to the enlargement of the Welland Canal, having been made after the first communications with the Inspector General.⁶⁶ With respect to the statement which had appeared in some of the city papers, and which the Inspector General had declared to be incorrect, he quite agreed with the Inspector General with respect to the facts. He had considered the proposition however although, extended from the St. Lawrence Canals, to include the Welland as well, did not really make the scheme a different one, though somewhat changing its features; on consideration they had deemed it essential for commercial management, that all the Canals should be brought together under the same supervision. They were prepared, in default of action by the Government in the matter, to take all the Canals and add to them the Caughnawaga Canal, without asking the country for a copper.⁶⁷ Their desire was to go to the public with the scheme in the same position, in which the Government would have taken it to the house, had they consented to take it up.⁶⁸ Of course, the proposition made to the Government was only a general idea thrown out for future reflection and modification. Their only object, in bringing it under the attention of the Government, was to put the matter in such a shape that the ministry could deal with it, and the works might be secured to the country.⁶⁹ There was one thing which he would suggest, that as the [system of] giving ... one part of those canals to be completed to private companies, and another part to the Government ... was found even to work badly, the completion of the canals should be given to private companies as the Government did not seem inclined to go on with them.⁷⁰ There was another matter connected with the canals in which they had ventured to think that an improvement might be made. They found that the expenses of repair and management were very great, while they knew that such expenses were generally greater in the hands of the Government than in those of a private company. They believed, therefore, that by an alteration in the tolls, and economy in the management, a revenue might be obtained which could be applied to the extension of the public works of the country, instead of applying to Parliament for aid. This was entertained in the correspondence, and there had been no concealment whatever in the matter. Any one reading the Inspector General's speech might have fancied that he [Mr. Galt] had been guilty of a frightful job, instead of having simply given his exertions to advance a work of great public interest and importance.⁷¹ The remarks of the hon. Inspector General were calculated to leave the impression upon those who did not see the good natured manner in which they were made, that some other object was contemplated. To shew there was no improper or underhanded intriguing with the Government in the matter, he would add that⁷² he had spoken of it to several members of the Government, and had also at the time shown the letter to the member for Montreal (Mr. Dorion), whom he recognized generally as his leader⁷³, and asked his opinion about the propriety of taking such a step, if they were warranted in laying such a scheme before the country⁷⁴ — not as a private adventure, but as a matter of importance to the Province, and because the Government did not feel in a position to take it up.⁷⁵

MR. A. DORION corroborated this, by stating that both Mr. Young and Mr. Galt had always represented to him that their only reason for proposing to undertake the work, was because the Government said they were not in a position to do it.⁷⁶

MR. GALT then proceeded to complain of the conduct of the Inspector-General, in taking advantage of communications made to him as an officer of the Government to endeavour to injure political opponents⁷⁷. Though the communication was not strictly confidential between him and the hon. member for Montreal associated with him, and the Inspector General, yet he would call the hon. gentleman's attention to the very great inconvenience arising from making any part of such a correspondence public, until it was completed, while it was still under consideration.⁷⁸ The Inspector General had got

a communication in reference to the Welland Canal a long time ago; but from that time to this he had refrained from making any statement of his opinions on the merits of the question. That was all they wanted, and they had not got that even now. There was one more point that he wished to refer to⁷⁹. The Inspector-General said he had not intended to make an attack. But, most unfortunately, he had chosen the same time to make sarcastic and sneering remarks on his (Mr. G.'s) connection with the Grand Trunk Railroad. He thought that attack somewhat strange, proceeding from the quarter it did, after the communications he had had the honour of holding with that gentleman⁸⁰ — himself a Director of the Company — whom he had consulted about the loan to it.⁸¹ But this was not the first time that attacks had been made upon him in reference to his connection with the Grand Trunk, and he hoped to have an opportunity ere long of making a full explanation. He shrank from no responsibility which properly attached to him in the matter. He had felt, and felt very keenly, the reference made to him by the Inspector-General in that matter. He must confess he did not like it, and it might require certain explanations to be made by him in regard to his connection with the Grand Trunk and he might say that it had obliged him to ask for authority, which he had obtained, to make those statements. He did not propose on this occasion to make them, not wishing to be guilty of any breach of confidence, but he had got authority to do so, and intended to state his whole connection with the concern from beginning to end. He was not afraid in the slightest degree to assume any responsibility which attached to him in regard to the work. But the responsibility of that man would be a thousand-fold greater who stopped it. (Order, order.)⁸² He would not then debate upon the subject, but he might go so far as to say that he did not at all concur in Mr. Brassey's proposition. It was of the utmost importance to deal with these matters more vigorously. The enlargement of the Erie Canal was now going on, it would be finished in a couple of years hence. Then a new class of craft would be required to be built there, and the old would go out of use. Then would be the more favorable time for the Caughnawaga Canal to be opened up, and a whole line of large canals ready to receive a far larger class of vessels than the Erie Canal would have capacity for. He believed, that if they started thus in their competition to the New York Canals, they would be able to attract a large share of the business from them.⁸³ If ever there was a time when energy and decision was required to be exercised, it was the present.⁸⁴ The businessmen of the West agreed with his hon. friend from Montreal (Mr. Young) yet the Government said they could not undertake this work. He joined issue with them in this regard. If instead of pushing forward the development of the resources of the country, they should sit still, and lose the benefit of what had been already done, it would not be long ere they would be worth nothing. They must meet and grapple with the difficulties which had arisen; he never knew difficulties grow less by gasing [sic] on them. If ministers thought they could deal with the revenue of the country, and its canal and railroad policy, by letting them alone — by shrinking from any action — they would just bring Provincial credit to absolute ruin.⁸⁵ There was a probability that the whole canal debt of the country would not yield a shilling, and it would have to be met by taxation. And it was the part of a wise statesman to take up the question and meet the small difficulty of arguing it in this house, and facing objections by members of the house.⁸⁶ If the House refused to sustain them in an attempt to do what was necessary now to sustain the credit and public improvements of the country, they could go to the country safely on the point, and he could assure them, as a member of the opposition, that they would be sustained.⁸⁷

MR. ROBINSON did not agree with the last speaker. He thought that the House had spent a pretty considerable sum on canals up to the present time⁸⁸ [and it was] a somewhat extraordinary proposition to increase so largely the debt of the country just at this moment. As for the canals already constructed, those who built them never expected them to prove a remunerative investment, but that they would confer great benefits on the country, and they had done this. He should not oppose their scheme; but it was idle, unless they could get this canal opened up to New York, via the Hudson.⁸⁹ [He] was in favour of having the Caughnawaga Canal constructed, but was opposed to joining the Welland Canal with it.⁹⁰ The plan of giving canals out to private companies was tried before, and its working was

found to be a failure, and it was not likely that the House would now lease out the Welland Canal to a private company.⁹¹

MR. STEVENSON did not approve of the way in which the question was argued. He condemned the idea that the canal could be made to pay by tolls; for instance, the Welland Canal, which he stated was taxed to one half its capacity, and it only pays at three per cent. The Welland Canal cost, in its construction, £1,500,000; the St. Lawrence cost about the same amount; and if the proposed scheme costs the same amount the expense will be enormous.⁹² Without the enlargement of the Champlain Canal to the Hudson, it would be of little use to the Government of [sic] a Company to build this. The people of New York had a great interest in preventing the enlargement of the Canal, as they had made so large an investment in the Erie Canal, and they were not so foolish as to give away the money to divert trade from it, as this would do. We never did such a foolish act as that ourselves. As for tolls which would enable them to compete with the Erie Canal, even if they were kept filled with vessels during the season, they would not yield a 6 per cent dividend. The Erie Canal had done it once, but that was when there was no competition.⁹³ It was a serious question for hon. members to consider; will the working of this canal benefit Canada?⁹⁴

A voice — yes it will.⁹⁵

[MR. STEVENSON:] Hon. gentlemen say, yes; perhaps it will. The only effect it will have on the business of Canada will be that the little business of Montreal will be sent to New York.⁹⁶ It would only benefit the producers of the West, by giving them perhaps an easier access to the New York market. It could not pay as an investment, or benefit the Canadian producer a whit.⁹⁷ The speculation of making the canal pay by tolls would never answer — even if the whole American trade went through that canal it would not pay the interest on the money expended. The Erie Canal has done well with the tolls; but then, in that case the people should pay as high a rate of toll as was laid on — provided it was not greater than the land conveyance — and, as there was no opposition, they were paid it. But now that was put an end to. There a city a rival of Montreal, had been spoken of, as springing up from the traffic on this canal; but the commerce of the whole country might pass through a canal without benefitting any place that it flowed through. He hoped the time would soon come, when the St. Lawrence River would be looked on as the natural channel through which the commerce of the country should find its exit to the sea. The House should not encourage any enterprise which would divert the commerce from this route. The Americans would never sacrifice any of their interests to benefit the canals of this country. If the canal was not calculated to pay, why go on with it? It would not be wise to expend the smallest sum on it, and he, for one, felt very great objections to support a work of this kind.⁹⁸

MR. MERRITT said the object of the Champlain Canal was to take away the trade of the Erie Canal. The moment the Erie Canal got its debt paid, it would reduce its toll on the barrel of flour from 22½ to 2½ cents, and take all the products of the Western world. This being the case, he looked upon the Champlain Canal as the most important work to which the Government could direct its attention. If the Government were to undertake it, and borrow three million pounds for its construction, they could pay every farthing of that out of the canal itself.⁹⁹ The Canal would pay for the cost of its construction from the outset — precisely as the Erie Canal had done. That canal was self-supporting — not one farthing of the revenue of the State of New York being appropriated for its support. The Government ought to undertake this great public work; and if unable or unwilling to do so, they ought to give the contract to some private company. In that case, the only favor he would ask, would be that the contract and bond be fairly competed for. With regard to the proposition of his hon. friend from Montreal, he could not agree with it. He could not consent to give up the revenues of the canals for the construction of this one.¹⁰⁰ He thought the proposition ... an overstrained one. He had offered the Government some time ago to get up a company without asking to have the other canals handed over

to them. If the Government would only pledge itself not to raise the tolls on the St. Lawrence canal, on that condition, the canal could be built and made to pay a company. It would secure the trade of the West to the St. Lawrence.¹⁰¹

MR. INSP. GEN. CAYLEY in reference to remarks made by the members for Montreal and Sherbrooke, said he had invited one proposition, and been charged with inviting another. The only proposition that he could be said to have invited was in reference to the St. Lawrence Canals, and not the Welland Canal. The proposition finally made to him was different from what had been made in the first instance.¹⁰² The hon. gentleman then replied to the statements of the hon. members for Lincoln and Montreal.¹⁰³ It might be for the interest of [the] country to put on such tolls as would direct trade from the Lachine canal and Montreal, in order to carry it through their larger works to Lake Champlain, and so give them a higher revenue. Without the link between Lake Champlain and the Hudson, he looked on the scheme as idle. It could not secure the trade without that, and that was not likely to be given them by the people of New York. With respect to the trade returns spoken of by the hon. member for Montreal, he had left out of sight altogether the chief trade of the country — that with Britain. He had heard a great deal said about the failing trade of Montreal. He then went over the trade returns for a series of years, to shew that Montreal enjoyed last, as in previous years, about one-third of the whole import trade of the Province. Montreal trade had no reason to grumble. She was getting fully her share. Of course the great staple of the export trade of lumber would always go to Quebec.¹⁰⁴ The hon. gentleman concluded by stating that as the returns would be down in the course of the week, he would be very happy to avail himself of a few of the statistics, in order to show by them that the trade of the country was not in the depressed condition which had been stated.¹⁰⁵

MR. YOUNG had not referred to the trade of Montreal alone, but of the two seaports, Quebec and Montreal; and he found there had been a decline in their trade in 1854 of £2,000,000 since 1849; and of £400,000 when comparing that year with 1844 — ten years before, yet during that time the trade of the whole Province had risen from £4,000,000 to £15,000,000. The whole Province was interested in the trade of the St. Lawrence. He wished, with every Canadian, to have the trade of his own seaports in crossing, and the business done by our own merchants not passing through foreign territory, or carried on through the agency of foreign merchants.¹⁰⁶ The hon. gentleman would make one remark before concluding in reference to this canal, and that was that the trade of the canals consisted of two kinds, the up and down trade. And the party that secured the up trade at low rates would, as a matter of course also obtain the ... down freight at the same points.¹⁰⁷

Six o'clock having arrived, the House then adjourned.¹⁰⁸

[After the recess,]

MR. TURCOTTE rose to say that if the merchants of this country were reduced to be the pedlars of those in New York, the commercial state of the Province must require immediate attention. The Cities of Montreal and Quebec would certainly demand a session in order that it might be considered how best we could keep our trade in the St. Lawrence; and not stand with crossed arms while we see our neighbors take the whole trade of the west by a little rivulet, compared to our rivers. The longer this were delayed, the more difficulty would be experienced in getting back the trade which would be lost. This had been taken into the most serious consideration of the Montreal and Quebec merchants; and connected with it was the tariff, without a proper arrangement of which the canals must be rendered useless — in fact, a mere expense, which, in addition to the capital laid out, cost £1,500,000 in a few years, for administration only. If these were not men capable of making the necessary reform in order to bring about the changes, let them cede their places to those who would be up to the level of this high commission. Well, the hon. members for Montreal and Sherbrooke had offered to construct these works, and give security that they, at least were ready [to] risk their own fortunes. Those gentlemen

were certainly especially fitted for undertaking this duty. They were men perfectly well¹⁰⁹ versed in everything relating to trade and commerce,¹¹⁰ and believed that the construction of Caughnawaga Canal, would draw an immense trade from the west to New England. The Government had declared itself incapable of effecting these improvements, whereas a Government ought to be always prepared to do what was necessary for the amelioration of the condition of the country. Returning to the question of the tariff, he (Mr. T.) would say that at present, if we had not lost our trade, we paid an immense tribute to the cities of New York and Boston¹¹¹ which excited not only the jealousies of Montreal and Quebec, but which might well excite those of Toronto, Kingston, and Hamilton. He wanted no favor for any city. He desired only that advantages should be fairly given to all men of enterprise, and then, wherever the greatest enterprise was found, so much the better it would be for that city. Lines of distinction were drawn unfortunately on the subject of race and religion — let there be none on these subjects of material prosperity. When he was young there was immense importation to Canadian ports from the West Indies, yet now, to the great increase of population the importation from that country is not 1-10th of what it used to be. All West Indian production, nay, even the herrings from the Gulf, came to Lower Canada from New York and Boston. If the Government were too busy to take these things into consideration, let them appoint a Commissioner to enquire into the remedy for such deplorable facts. He was not a merchant nor an engineer to go into the details of this matter, but was glad to have the occasion to express the sentiments to which he had given utterance, especially as he was a Canadian, loving his country, and sorry to see the manner in which its higher commerce was falling off, and our once great mercantile cities being ruined for the profit of our proud neighbours — the United States.¹¹²

MR. FELTON said this motion was a mere demand for paper, and needed no explanation. — That which had been given, however, placed the gentleman [sic] who had moved in the matter in the extraordinary position of patriots; but some persons might think they only wanted to make money. If their proposition had been accepted, all the canals would have been in the hands of men who, of course, intended to make money by their management. The effect would have been, that these persons might shut up the canals altogether, or what would be the same thing, might kill the goose for the sake of the golden egg, by imposing too high tolls. A monopoly of public works in the hands of individuals, would be speedily cried out against by the whole community, and the Government at the end of five or six years would have to buy them back at the price demanded by the tenants. Besides, as tenants, those gentlemen would, no doubt, permit the work to deteriorate, as tenants always do. He considered what had been done was a fair commercial proposition; but he gave the gentleman [sic] who made it no credit for patriotism.¹¹³ He looked upon the idea of building our Canals into the United States as a piece of folly.¹¹⁴ In other respects, he fully concurred with the member for Prince Edward [Mr. Stevenson] and thought this project of a Champlain Canal would ruin Montreal, if carried out.¹¹⁵

MR. MARCHILDON, in French, replied to the arguments of the last speaker.¹¹⁶ [He] did not blame the persons who had induced the country to build the canals, for their want of success; but he blamed the mother country for changing the financial system which had, while it lasted, given this country a monopoly of the trade that now went to the United States. At the same time he did not think the remedy was to be found in the enterprise proposed by Messrs. Young and Galt, and was therefore glad the Government had not accepted their proposition.¹¹⁷

MR. PROV. SEC. CARTIER said he did not intend to oppose the motion of the honourable member for Montreal. But from the tone of the speeches on the other side it might be inferred that the Government were opposed to the increase of the trade of Montreal or the increase of the trade passing by the St. Lawrence. He denied that there was any good ground whatever for such inferences.¹¹⁸ As the subject matter of the Caughnawaga Canal had been entered on, he would beg to remind the honorable member for Montreal [Mr. Young] that the great difficulty — as far as Montreal was concerned — was as to the location of the mouth of that Canal¹¹⁹ [and] not as to whether the canal would benefit

Montreal and the whole Province¹²⁰. And no member ought to be more aware of that fact than the honorable member for Montreal. In 1849, that honorable gentleman, as well as himself — was a member of a Convention at Saratoga — at which Convention every city and town bordering on Lake Champlain had been represented. At that Convention, the one great question discussed, was in reference to the location of the mouth of this Canal. If that mouth were located nine miles above Montreal, as had been proposed by some parties, the effect would be to render the St. Lawrence Canal the great highway for American, and not Canadian traffic. It would render the St. Lawrence and Caughnawaga Canals as much highways of American commerce, as if there was no Canada at all. And he would venture to assert that¹²¹ if that question were to be left to the decision of all the mercantile men of Montreal, there would not be ten votes in favour of locating it so far up. He had letters in his possession from bosom friends of the member for Montreal to that effect.¹²² Mr. Young considered this question of location one to be settled by Engineers. He [Mr. Cartier] considered that that was not the case, for Engineers had reported in favor of the location of the canal opposite Montreal, instead of nine miles off¹²³. He knew that the honorable member for Montreal would say, in advocating such a location, that it would save some forty-five feet of lockages, which would have to be surmounted between the St. Lawrence Canal and Montreal. If such were the case, he would wish to be corrected by the honorable member for Montreal.¹²⁴

MR. YOUNG said it would save 46½ feet.¹²⁵

MR. PROV. SEC. CARTIER was glad to be corrected by his hon. friend.¹²⁶ But by having the canal located above Montreal, the distance would be 25 miles, and the length of the Lachine Canal 9 miles more, whereas from Longueuil to St. John's was only 16 miles, and in addition to the advantage of distance, the latter location would best suit Lower Canada, whereas if the location were above Montreal, nothing would be accommodated but the Western trade. This difference of length was of great importance in a canal of 14 feet deep. He himself had an idea of the means of meeting the difficulty which now prevented unanimity on the part of the people of Montreal with respect to this plan, for their fear at present was lest they would be cheated out of the advantages of this canal by the location being above them. His plan was this: The Lachine Canal must soon be enlarged, not only for trade, but for the factories which now could not be supplied with water by it.¹²⁷

MR. YOUNG. — The fault of the Board of Works.¹²⁸

MR. PROV. SEC. CARTIER. — That was not the case. There was not enough water; but the enlargement being made, the Lachine Canal would be used for descending instead of the river, and Montreal would be foot of the navigation instead of Lachine. Then they would measure 16 miles of canal from Longueuil to Champlain instead of 34 miles.¹²⁹ But, although that should be done, he would still be in favour of having the canal located opposite Montreal. The Government, as a Government, had nothing to say on the question. But as an individual member, he was for the canal, and for having it opposite Montreal.¹³⁰ If the member for Montreal told the people of that city he would locate the canal at Caughnawa[ga], he knew what the effect would be, and he was aware that the member had to make certain explanations at the last election. He could even mention that some of his (Mr. Young's) friends came to him (Mr. C.), and had asked him whether he should vote for that gentleman, saying he was in favor of the canal being located above Montreal. He told those electors that they might safely vote for Mr. Young for that gentleman could never carry out his schemes.¹³¹

Cries of oh, oh! Did you vote for him?¹³²

[MR. PROV. SEC. CARTIER continued:] [He] had told the hon. member after his election he was sorry to vote against him, but had to do so, as he (Mr. Young) opposed his friend Mr. Hincks. He then, in reply to Mr. Merritt, declared that the latter was mistaken in supposing that the present state of

the Erie Canal was prosperous, and said that the cost of maintaining that work must now either be borne by direct taxation, or a tax on railroads. The scheme he had spoken of for the improvement of the Lachine canal, was not the plan of the ministry; but, for himself, he was in favor of the Caughnawaga canal, though not if [it] was to be at Caughnawaga. He, however, denied that he or his colleagues had intended to impute a job to the members for Sherbrooke and Montreal.¹³³

MR. WILSON was glad the discussion had taken place; but he could not help expressing his astonishment at the narrow views of the question taken by the hon. Provincial Secretary, who had narrowed it down from a great Provincial work to a mere local question. There was a marked difference between the conduct of the Provincial Secretary and that of the hon. member for Montreal, who had treated the question as one affecting not Montreal alone, but affecting the entire trade of the West down the St. Lawrence. Every one must regret that the trade of Montreal — the first commercial city in the Province — has not increased during the last ten years, while the general trade of the Province has quadrupled. No one could deny that a great deal of th[e] trade which used to seek the St. Lawrence as its natural outlet to the ocean, has found its way through other channels.¹³⁴ But the most that any one could expect from this canal, was that it should take off the trade now going away by the Erie Canal. The member for Vercheres seemed to think that the trade of Montreal was the only thing to be considered. Now he believed, if the canal was ever made, it would be made for a different consideration.¹³⁵ What effect this scheme would have upon the trade of Montreal it would be difficult to say, but the hon. member for Montreal proposes what would at least benefit the Province.¹³⁶ No one could contend that the trade of the St. Lawrence would not be more benefited, if produce were carried down the St. Lawrence so far, and then along the Champlain Canal, than if the whole of it were to be taken along the Erie and Oswego Canals.¹³⁷ The Provincial Secretary says, the canal must be made so as to have its entrance upon Montreal, but he (Mr. Wilson) would make bold to say, that if ever that canal is made, Montreal will not be the mouth of it, notwithstanding the fact that that city was represented by no fewer than fifteen members in this House. It was a fact that the waters of the St. Lawrence, at Lachine, are 25 feet lower than the waters of Lake Champlain, while at Montreal the waters of the St. Lawrence are 46 feet 6 inches lower than at Lachine. The lockage from Lachine to Champlain would then be 25 feet in a distance of 25 miles, and they were told that the canal could be made under the most favorable circumstances¹³⁸ because the banks could partly be made out of the earth dug from its bed. But from Lachine to Montreal was 45 feet of descent; so that for the Western trade going that way by Montreal, it would require to go down first 45 feet, then, to mount up again 71 feet, making the difference 117 feet one way, against 25 feet the other.¹³⁹ [OR] If Montreal was made the entrance, the difference in lockage would be 71 feet against 25, while by going down the 46 feet or up the 46 feet no object whatever would be gained.¹⁴⁰ The Montrealers could not be afraid of the canal taking their trade away from them, for there was plenty of produce to come down from the West¹⁴¹. He believed the trade of the West would increase so much that the Erie Canal, even widened, could not take it, and if it was not coaxed down the St. Lawrence it would find for itself some other outlet.¹⁴² No one would rejoice more than he would to see the St. Lawrence made the great channel for the produce of the West and the emigration of the East. He should rejoice to see the St. Lawrence canals crowded with vessels instead of seeing the Lock gates rotting for want of use, which is a painful consideration for those who have had an opportunity of witnessing the bustle and the trade going on in the canals and public works of the State of New York. The greatest credit was due to the hon. member for Montreal who stands alone in this great and comprehensive scheme. The hon. member here entered into an explanation of the distances between the various routes¹⁴³. It might be maintained, perhaps, that he ought not to speak on this local question; but he wanted to show the people of Montreal that the people of Upper Canada were alive on this question, and would not allow it to be made one of mere local interest.¹⁴⁴ [He] concluded by asking the indulgence of the House for having spoken upon a subject not so strictly within the scope of his professional duties.¹⁴⁵

MR. YOUNG would not have spoken again had not the hon. Provincial Secretary stood up to instruct him in matters which he [Mr. Y.] had been practically acquainted with all his life, and in which he was at this moment deeply engaged. There was never a question of making the Canal fourteen feet deep at the Saratoga convention.¹⁴⁶ [He then] replied to a number of the statements of the Provincial Secretary, who, he said, had laid before the house a number of figures that were altogether erroneous.¹⁴⁷ [But he] was not a little surprised that the ... [Provincial Secretary] should stand up to instruct him as to what he should do, and tell him to his face what was not true.¹⁴⁸

MR. SICOTTE the SPEAKER rose to order. Members should not indulge in personal recriminations.¹⁴⁹

[MR. YOUNG:] The member for Vercheres in the course of his discourse had pretended he [Mr. Young] had shirked this question of the locality of the Canal at the last election. That was not the fact¹⁵⁰.

MR. COM. CR. LANDS CAUCHON. — Will there be no end to these explanations? The question has been before the House long enough.¹⁵¹

MR. SICOTTE the SPEAKER could not interfere with the personal explanations of members.¹⁵²

[MR. YOUNG continued:] He had always told his constituents that his opinion on the Canal site would be governed by that of scientific men, and it ought to be placed where it would be most advantageous for the Province, and not most advantageous for Montreal.¹⁵³ He expressed his surprise that the Provincial Secretary should have occupied so long a time in advocating local interests, no matter what scientific men might say was the best route for a canal.¹⁵⁴ No man could do more injury to Montreal than he who would stand up as the member for Vercheres had done, to advocate her local interests, as if they were opposed to the interests of the Province.¹⁵⁵ (Cries of order.)¹⁵⁶

MR. COM. CR. LANDS CAUCHON said the effect of all such projects was to embarrass the Province more and more deeply. He had in his pocket one from Hamilton, which would sink an equal amount of money, if entertained.¹⁵⁷

After a few words from MR. J.S. MACDONALD,¹⁵⁸

MR. BUREAU thought that the members of that House ought not to be influenced by local interest, and hoped that if the elections at Montreal should ever turn on questions of locality there would be members enough from other parts of the country to control the unprincipled conduct of persons who would go into Parliament on such thoroughly despicable grounds. Mr. Young merited the thanks of the country for the large and disinterested view he took of this, and all subjects as well as his constant attention to the commerce of the country. He was, as every body knew, a large proprietor in Montreal, quite as much interested there as Mr. Cartier was, but though he desired the prosperity of that city, he desired still more the prosperity of the whole country.¹⁵⁹

The motion was then carried without a division.¹⁶⁰

(257)

On motion of Mr. *Antoine Aimé Dorion*, seconded by Mr. *Holton*,
Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, copies of any Correspondence which may have been had with the Government during the present year, having reference to the construction of the Lake *Champlain* Canal and the enlargement of the *Welland* Canal.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

(258)

Ordered, That Mr. *Wilson* have leave to bring in a Bill to enable the Mayor, Councilmen, and Commonalty of the City of *London*, to sell the land granted for a common Burial Ground or Potters' Field, and to purchase other lands for the same purpose out of the limits of the said City.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. *Wilson* have leave to bring in a Bill to authorize the City of *London* to negotiate a Loan of One hundred thousand pounds to consolidate the Debt of the said City.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That the Honorable Mr. *Robinson* have leave to bring in a Bill to enable the *Hamilton* Hotel Company to increase their Capital Stock, and for other purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That Mr. Solicitor General *Smith* have leave to bring in a Bill to amend the Act to provide for the formation of Incorporated Joint Stock Companies [sic] for manufacturing, mining, mechanical, or chemical purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Ordered, That Mr. *Conger* have leave to bring in a Bill to incorporate the Village of *Ashburnham*, in the County of *Peterborough*.¹⁶¹

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. COM. CR. LANDS CAUCHON introduced a bill entitled "an Act to repeal the Act 12th Victoria, cap. 30, and for other purposes;" and explained that it was a bill relating to licenses for cutting timber.¹⁶²

(258)

Ordered, That the Honorable Mr. *Cauchon* have leave to bring in a Bill to repeal the Act 12 Vic. cap. 30, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Ordered, That the Honorable Mr. Attorney General *Macdonald* have leave to bring in a Bill to amend and consolidate the Laws relative to the Governors of the *Kingston* General Hospital.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Ordered, That Mr. *Freeman* have leave to bring in a Bill for the construction of Water Works in the City of *Hamilton*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

The Honorable Mr. *Cartier*, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth: —

Edmund Head.

The Governor General transmits for the information of the Legislative Assembly, copies of Despatches received from the Secretary of State for the Colonies, on the subject of the Joint Address of the Legislative Council and Assembly to the Queen, praying for the repeal of such *English* Statutes as impose disabilities on the Church of *England* in this Province.

Government House,

Toronto, 7th April, 1856.

(259)

No. 3. — (Copy.)

Downing Street, 4th May, 1855.

Sir, — I have to acknowledge Your Despatch, No. 26, of the 31st March last, enclosing an Address to Her Majesty from the Legislative Council and Commons of *Canada* in Parliament assembled, praying for the repeal of such *English* Statutes as impede the meeting of the Clergy and Laity of the Church of *England* in Synod, and that the choice of the Bishops may be left to the Clergy and Laity of each Diocese.

The Address has been laid before Her Majesty who was pleased to receive the same very graciously; and the subject will receive the earnest and attentive consideration of Her Majesty's Government.

I have, &c.,

(Signed,)

J. Russell

Governor Sir *Edmund W. Head*, Baronet,

&c., &c., &c.

No. 4. — (Copy.)

Downing Street, 4th May, 1855.

Sir, — With reference to my Despatch No. 3, of this day's date, I transmit for your information a copy of a Letter with its enclosure addressed to Sir *George Grey* by the Bishop of *Toronto*, together with a copy of the reply which I have returned to His Lordship relative to the division of the Diocese of *Toronto*, and to the election of the Bishop of the new Diocese by the Clergy and Lay delegates.

I have, &c.,

(Signed,)

J. Russell

Governor Sir *Edmund Head*,

&c., &c., &c.

(First Enclosure in Despatch No. 4, May 4, 1855, of Lord *J. Russell* to
Sir *E. Head*.)

(Copy.)

Toronto, Canada, 20th January, 1855.

Sir, — I have the honor to submit for Your Excellency's consideration, and Her Majesty's Government, a Memorial addressed to me by the Clergy and Laity of the western section of this extensive Diocese.

On the 5th October, 1850, I presented a Memorial to the Most Reverend and Right Reverend the Archbishops and Bishops forming the Committee appointed to arrange measures in concert with Her Majesty's Government for the erection and endowment of additional Bishops in the Colonies, and dependencies of *Great Britain*, praying that the Diocese of *Toronto* might be beneficially divided into three distinct Sees, and ultimately a fourth See to superintend the Indian Missions, and those of the white population on the banks of the great *Canadian* Lakes.

No steps having been taken towards the accomplishment of the object prayed for, I renewed my application with additional reasons on the 5th of February, 1853, and enclosed copies of the two Memorials to His Grace the Duke of *Newcastle*, then Secretary for the Colonies.

His Grace was pleased to state in reply "that Her Majesty's Government will be prepared to countenance whatever plan may be resolved on by the Members of the Church of *England* in *Canada* itself, for the subdivision of the Diocese of *Toronto*."

The Archbishop of *Canterbury*, with whom I have been also in communication on the subject, in a Letter dated the 10th February, 1854, says "I can assure Your Lordship that the measure of dividing your extensive Diocese is seen here in the same light as by yourselves, and the only difficulty in the way is the want of an adequate endowment for a second Bishop."

Although this appears to be the sole obstacle to the subdivision of the Diocese, I saw no chance of its being removed by any assistance from a distance, I therefore bethought myself of trying what might be done here.

Accordingly, on the 10th of January, 1854, I addressed a Pastoral Letter to the Clergy and Laity of the Diocese recommending the creation of an Episcopal endowment Fund to provide for the support of the new Bishops, on condition of being allowed to choose them from among our own Clergy.

(260)

Encouraging progress has been made in the different sections of the Diocese proposed as the new Sees, and more especially in the western section, in which the subscriptions already amount to nearly Ten thousand pounds, and will soon reach the maximum, Twelve thousand five hundred pounds, which is considered at present sufficient for the endowment of a Bishopric, because at six per cent, our legal interest, it will yield Seven hundred and fifty pounds per annum. Hence should the privilege be granted by Her Majesty to the Synod of each Diocese to elect their own Bishop, we may soon have one for the western district of this Diocese, and the others will rapidly follow.

Nor will this boon seem unreasonable, when the present position of the Church in *Canada* is tenderly considered.

The Church has just been deprived of all her property by the Provincial Legislature, merely leaving to her Clergy their stipends and allowances during their natural lives and Incumbencies, but without the slightest means at her disposal to extend her limits, or to fill up the vacancies, which will be daily occurring. She therefore requires to be made as complete as possible within herself in all her arrangements even to preserve her existence, and this can only be effected by uniting her Clergy and Laity in Synodical action. Seeing this state of things approaching, I have held two Synods, the first in October, 1853, and the second in October, 1854. I have the honor to enclose a printed Copy of the Proceedings of each for Your Excellency's information, and I am happy to state that they have met with the general and cordial approbation of our Church in all parts of the World.

The sub-division of the Diocese was taken up on both occasions, and it was felt on all sides that it presented labour enough for three, instead of one Bishop, and is yearly becoming more and more beyond the strength of any individual.

From what the Duke of *Newcastle* says in his Letter as quoted above, we are encouraged to believe, that if the Church in *Canada* undertakes to support her own Bishops, Her Majesty's Government would think it but reasonable to permit them to be chosen by her Synods from among her own Clergy, — Men who have served long in the Colony, and are acquainted from experience with the hardships and difficulties of Missionary life, as well as the more urgent wants of a Colonial Diocese.

All appointments, with the exception of the Governor General, are now made in this Province, and we do not anticipate that the boon we pray for, which is so necessary to the extension and prosperity of the Church, will be any longer withheld.

I have, &c.,

(Signed,) *John Toronto.*

The Right Honorable

Sir *George Grey*, Baronet, G.C.B.,

&c., &c., &c.

(261)

At a Meeting of the Committee of General Management for the Rural Deanery of *London*, convened for the purpose of ascertaining the amount of subscriptions obtained towards an Episcopal Fund for the western section of the Diocese of *Toronto*, the following Address to the Lord Bishop of *Toronto* was adopted: —

To the Honorable and Right Reverend the Lord Bishop of *Toronto*.

May it please Your Lordship,

We, the Committee of General Management for the Rural Deanery of *London*, beg leave to report for Your Lordship's information, that the subscription set on foot in accordance with Your Lordship's instructions, in order to provide a Fund for the maintenance of a Bishop in the western section of the Diocese of *Toronto*, has met with a very encouraging measure of success in every place where an appeal has been made to the Members of the Church.

That we rejoice in being able to state to Your Lordship, that the sum now actually subscribed amounts to nearly Ten thousand pounds, and we do not hesitate to state our conviction, that in a very short time a sum sufficient to produce Seven hundred and fifty pounds per annum, will be subscribed, as there are several important places within the limits of the proposed new Diocese which have not yet been appealed to for this object.

In the meantime it is respectfully submitted to Your Lordship, that by the terms of the subscription list all subscriptions are to be paid or secured to the Fund on the first day of

January, 1855. But the Committee will not be in a position to call upon the Members of our Church to pay or to secure the several amounts subscribed by them until the condition suggested by Your Lordship, and embodied in the heading of the subscription lists, namely, "that the Clergy and Lay delegates within the limits of the proposed new Diocese, shall be allowed to elect their own Bishop," shall have been formerly sanctioned by the authorities at home.

We therefore most respectfully pray Your Lordship to take such steps as you may deem expedient in order that the division of the Diocese so strongly recommended by Your Lordship, may take place, and the sanction of Her Majesty the Queen to the election of the Bishop, by the Clergy and Lay delegates within the limits of the proposed new Diocese, may be obtained as soon as possible.

(Signed,) *Benjamin Cronyn, M.A.,*
Rural Dean of *London, C.W.*
Chairman of the Committee of General Management.

London, C.W., 30th December, 1854.

(Second Enclosure in Despatch No. 4, May 4, 1855.)

(Copy.)

Downing Street, 3rd May, 1855.

My Lord, — I have to acknowledge Your Lordship's letter of the 26th January last, addressed to Secretary Sir *George Grey*, forwarding a Memorial addressed to you by the Clergy and Laity of the western section of the Diocese of *Toronto*, praying you to take steps for the division of the Diocese, and for obtaining the sanction of the Crown to the election of the Bishop of the new Diocese by the Clergy and Lay delegates.

Since then an Address (with which you are doubtless acquainted) has been presented to Her Majesty by the Legislative Council and Assembly of *Canada*, praying for the repeal of Statutes supposed to affect the meeting of the Clergy and Laity of the Church of *England*, and also for the election of Bishops by the Clergy and Laity. The whole subject will receive the serious and early consideration of Her Majesty's Government.

I have, &c.,

(Signed,) *J. Russell*

The Lord Bishop of *Toronto*.

(262)

No. 36. — (Copy.)

Downing Street, 24th September, 1855.

Sir, — With reference to Lord *J. Russell's* Despatch of the 4th of May last, acknowledging an Address to Her Majesty from the Legislative Council and Commons of *Canada* in Parliament assembled, praying for the repeal of such *English* Statutes as impede the meeting of the Clergy and Laity of the Church of *England* in Synod, and that the choice of Bishops may be left to the Clergy and Laity of each Diocese.

I now enclose for your information copy of a Letter received from the Law Advisers of the Crown, to whom the subject of that Address had been referred by His Lordship.

You will perceive from the terms of that Letter the difficulties which must necessarily impede Her Majesty's Government in dealing with that subject, regarding, as it does, the rights and position of Members of the Church of *England*, not in *Canada* only, but throughout the Colonial possessions of the Empire.

Her Majesty's Government will, however, not fail to take the whole question into their earnest consideration; and notwithstanding the legal or rather constitutional objections adverted to in the Letter which I now transmit, I am myself thoroughly persuaded that the desire for freedom of action and self-government on behalf of the Church of *England* in *Canada* is just and reasonable for the reasons specified in the Address and in your Despatch.

For the present, however, further delay is unavoidable; and as it appears to me that the division of the Diocese of *Toronto* is so much desired that it may be very inconvenient to postpone it until the general question is disposed of, I have to inform you that Her Majesty's Government are prepared to take the necessary steps for this purpose whenever required to do so, and that they will recommend to Her Majesty for appointment to the new Bishopric such a

Clergyman as you may yourself designate to them, after consulting with the Bishop and such authorities of the Church of *England* in the Colony as you may think advisable, and taking such precautions as to the sufficiency of the means for endowing such a Bishopric as you may judge necessary.

You will have the goodness to communicate a copy of this Despatch forthwith on my part to the Bishop of *Toronto*.

I have, &c.,

(Signed,)

William Molesworth.

Governor Sir *Edmund Head*, Baronet.

(Enclosure in Despatch No. 36, September 24, 1855, of Sir *William Molesworth* to Sir *Edmund Head*.)

(Copy.)

Doctors' Commons, August 21, 1855.

Sir, — We were favoured with your Letter of the 8th of May last, in which you stated that you were directed by Lord *John Russell* to transmit to us copy of a Despatch from the Governor of *Canada* enclosing an Address to Her Majesty for the repeal of such *English* Statutes as impede the meeting of the Clergy and Laity of the Church of *England* in Synod, and that the choice of Bishops may be left to the Clergy and Laity of each Diocese; and you were to request that we would take the same into our consideration, and report to His Lordship whether we considered that the prayer of the Address or any part of it (notwithstanding the supposed statutable obstacles referred to) could be legally granted by the Crown if Her Majesty should be advised so to do, or whether an Act of Parliament would be necessary for the whole or any part of it, and if so, what should be the general force and scope of such Act.

In compliance with your request, we have considered the question submitted to us, and beg to report: —

That the Address prays for the introduction and passing of an Imperial Statute for the repeal of all such Statutes as impede the meeting of the Clergy and Laity in Synod, for the purpose of framing Rules and Canons.

The propriety of introducing such a Bill into the Imperial Parliament is a question not of Law, but of policy. If such an Act should be passed, it is obvious that the Royal Supremacy within the Colony would be thereby most seriously and directly affected; nor is it possible to foresee all the legal or ecclesiastical consequences which might ultimately result therefrom.

The Clergy might be legally empowered by Royal License to meet in Synod, to make Rules and Canons; but in order to legalize a meeting of a General Assembly of the representatives of the Clergy and Laity, and to empower such an Assembly to legislate upon the affairs of the Church, an Imperial Statute would be necessary.

That portion of the Address which prays that the Synod may proceed to the election of their own Bishops, might be practically carried into effect without the authority of Parliament, by Her Majesty issuing Letters Patent in favor of those Reverend Gentlemen exclusively who might be elected by the Synod, but this would be only a practical and indirect and not a strictly legal method of accomplishing the object of the Address.

In order effectually to legalize the election of *Canadian* Bishops, an Imperial Statute would be requisite; and considering that both the Archbishop of *Canterbury* and the officiating Bishops exercise their Episcopal functions in every consecration of a Colonial Bishop, not under authority derived from the Legislature, but directly and immediately by Commission from the Crown, as a portion of the prerogative, the objections to introducing any Bill into the Imperial Legislature to compel the consecration by other Bishops of those who may be elected by the proposed *Canadian* Synod without the Royal authority, appear to us to be almost insuperable.

We consider it our duty to remark that although the Address states that the Provincial Parliament has passed an Act "by which it is declared that there shall be an entire separation between Church and State," yet that the Clergy Reserves Act (sent with the papers) only appears to do this, if at all, by way of recital, and in somewhat vague terms; and that in respect to the nomination and consecration of Bishops and their various officers, and the power and jurisdiction

conferred upon and exercised by them by Patent, the connection between Church and State cannot be legally said to be entirely separated in *Canada*.

With reference to what should be the general force and scope of an Act of Parliament to carry into effect the prayer of the Address, we can only say that the force and scope of such an Act, in order to be effective, would necessarily extend far beyond those of any Imperial Statute as yet passed. It must authorize the meeting of a General Assembly, confer on it a permanent and corporate existence and constitution, and extensive ecclesiastical and legal power and jurisdiction, together with the means of enforcing its decisions and orders.

Such an Act must further provide for the election of *Canadian* Bishops by the Synod, their compulsory consecration by other Bishops, and their investiture thereupon with all the powers and jurisdiction hitherto conferred by Patent.

We are, &c.,

(Signed,) J.D. Harding.
" A.C. Cockburn,
" R. Bethell.

H. Merivale, Esquire,
&c., &c., &c.

(264)

No. 39. — (Copy.)

Downing Street, 15th February, 1856.

Sir, — With reference to Sir William Molesworth's Despatch of the 24th September last, transmitting to you, copy of a Letter from the Law Advisers of the Crown, explaining the obstacles which exist to compliance with the prayer of the Address of the Legislative Council and Assembly of *Canada*, that a measure may be introduced into the Imperial Parliament to remove all obstructions that may exist, or be supposed to exist, under any Statute now in force in *Great Britain*, to prevent the meeting of the Bishops, Clergy and Laity of the United Church of *England* and *Ireland* in *Canada*, in Synod, for the purposes therein specified; I wish now to communicate to you the result of the farther deliberations of Her Majesty's Government on this important and difficult subject.

2. It is undoubtedly plain from the opinion already communicated to you, that it would be impossible to effect in a literal manner the whole [of] what is prayed for by the Address, without the assistance of Parliament. Nevertheless Her Majesty's Government have a strong feeling that the difficulties raised by that opinion against adopting the entire recommendation of the *Canadian* Legislature, ought not to be permitted to interfere with the meeting of the Clergy and Laity by representative bodies, for the purpose of making rules for the management of Church affairs, not having legal force or in the nature of Canons, nor contravening any known Law of the Church; but binding on those who make them in the same manner as similar rules, generally speaking, in communities of Christians not established by Law. And they are by no means satisfied that, for purposes so simple, any statutable aid is necessary.

3. But there are strong reasons for thinking that if Parliamentary Legislation is not strictly necessary, it is highly inexpedient. On the one hand, all parties, as it appears, are anxious to preserve the unity of the Church of *England*. Even those who most desire the removal of the restrictions under which they conceive themselves to labor, seem to entertain no thought of separation as the final result. And yet it would not be easy to frame a measure, and perhaps still more difficult to obtain the assent of Parliament to such a measure unaltered, which should satisfy the wishes of the *Canadian* Legislature and realize the objects contemplated by that body, without effecting at least a partial separation of the Colonial and Mother Church, and encroaching on that Supremacy of the Crown which is at present the substantial bond of union. Unless I have altogether mistaken the spirit by which the Members of the Anglican Church in *Canada* are animated, I greatly doubt whether they would not regret even the accomplishment of their own immediate wishes if attended with such a permanent result.

4. On the other hand, it would be perhaps hardly less difficult to frame such a measure even of the merest enabling character, without in some degree, compromising the principle which regards Legislation on the internal affairs of *Canada* as belonging to its own Legislature and not that of the Empire at large. However guarded the expressions might be, there would be danger

of constituting within the Province a kind of corporate body, independent, in some respects of the Provincial Legislature itself.

5. Legislation by the Parliament of *Canada* would be open to neither of these objections. It could not impair the connection between the Anglican Churches of the Province and the Mother Country, because any of its provisions, which might involve some seeming and accidental derogation from the Supremacy of the Crown could not be construed as legally operative against those principles of general Law, binding throughout the *British* Dominions, on which that Supremacy is founded. On the other hand, the *Canadian* Legislature could at its discretion give legal effect to the ordinary proceedings of the proposed Synods so far as necessary; which it would be very difficult for Parliament to do without infringing on the rights of that Legislature by dealing with a strictly local subject. This seems the more essential, inasmuch as, although the *Canadian* Legislature has passed an Act declaring or rather reciting the separation of Church and State in the Colony (as I am reminded by that Address), yet those former *Canadian* Acts which make provision for the management of the Church's temporalities are, I believe, still in force. With these the Synods ought no doubt to be enabled to deal, they could not be so except either by Parliamentary or Colonial enactment, and the subject is one which clearly appertains to the latter.

6. It is therefore the wish of Her Majesty's Government that you should recommend the *Canadian* Legislature to enable the Members of the Church of *England* in the Province to enjoy the freedom sought for, so far as the powers of the Legislature, according to the most reasonable supposition, extend; that is to say, by empowering them to meet, in the manner specified in the Address, and to form representative bodies, and giving to the rules which may be framed by such bodies, for the control of the Church temporalities and for the enforcement of discipline, so much of legal force as may be absolutely requisite. I am aware of the advantages which might belong to a scheme under which the binding force of such regulations should be simply voluntary; but the existence of prior legislation on the subjects referred to seems to render this impossible.

7. If such an Act were passed in the Province, and either the operation of the Act itself, or the proceedings of the meetings constituted under it, met with any well-defined obstacles from existing Imperial Law, then a difficulty would be clearly raised for removal by the interposition of Parliament here; which cannot be said to be the case so long as the supposed objections are not easy to be understood, much less removed, from their very general nature, founded as they are only on vague opinion.

8. It would, however, be desirable, if the Act when framed was found to contain provisions appearing to you and your advisers to involve substantial difficulty, that you should reserve it for the Assent of the Crown.

9. Her Majesty's Government have been the more induced to suggest this course by the fact that in the Colony of *Victoria*, where similar inconveniences are felt by the Members of the Church of *England*, the Legislature of that Province has come to their relief, by passing a Law of the very nature here indicated. It is intituled, "An Act to enable the Bishops, Clergy, and Laity of the United Church of *England* and *Ireland* in *Victoria*, to provide for the regulation of the affairs of the said Church," which it does by empowering the Bishop to convene an Assembly of the licensed Clergy and Laity, and making the acts of such Assembly binding on Members of the Church as regards their Membership, and no further. The Assembly is further empowered to establish a Commission for the trial of Ecclesiastical Offences, but not to impose any penalty except suspension or removal from a benefice; reserving the existing rights of appeal to the Ecclesiastical Authorities at home. This Bill has received the sanction of Her Majesty's Assent after much deliberation, the necessity for which was incurred by the defective character of part of its provisions.

10. With regard to the question raised in the Address of the election of Bishops, the opinion of the Law advisers already referred to, states very distinctly the objections which exist to effecting this purpose by Parliamentary enactment. Her Majesty's advisers do not the less recognize in the case of a Community like that of *Canada*, the propriety of consulting the wishes of Members of the Church of *England* on this head; and they believe that the practical purpose which it is sought to attain may be secured without the obvious inconveniences attendant on direct legislation for it, if they adopt the course of recommending Her Majesty to be guided as

(266)

a general rule in filling up any vacancy which may occur by such representation as She may receive from the Clergy and Laity of the Diocese duly assembled. I cannot too distinctly disclaim on the part of Her Majesty's Government any intention or desire of placing the Church of *England* in a privileged or exclusive position in *Canada*; but they are most anxious to meet the wishes expressed [sic] by the Provincial Legislature, as well by the Church of *England*, and to free its Members from all unnecessary impediments to their own voluntary internal organization, and thus to put them on an equal footing with other denominations of Christians.

11. I am aware that an answer is still to be expected from you to that portion of Sir *William Molesworth's* Despatch which relates to the division of the Diocese of *Toronto*. But on the whole, I have thought it advisable not to delay my present communication on that account.

12. You will make known the contents of this Despatch to the several Bishops of the United Church of *England* and *Ireland* in *Canada*.

I have, &c.,

(Signed,) *H. Labouchère.*

Governor Sir *Edmund Head*, Baronet,
&c., &c., &c.

The Honorable Mr. *Cartier* presented, pursuant to Addresses to His Excellency the Governor General, — Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 31st ultimo, praying His Excellency to cause to be laid before the House, a Statement of the monies which have been sent from this Province as Contributions to the Patriotic Fund and acknowledged by the Royal Commissioner; the Statement to shew from what sources or localities the Contributions have been sent.

For the said Return, see Appendix (No. 39.)

Return (in part) to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 28th February last, praying His Excellency to cause to be laid before the House, a Return shewing in detail the parties and bodies with whom commutation has been made under the Provincial Statute 18 *Vic. cap. 2*, sec. 3; the age of each party or incumbent, and the amount paid to them respectively, the date of commutation in each case, also the amount of stipend or allowance assigned or given to each party or body at the time of the passing of the Imperial Act 16 *Vic. cap. 21*; and a statement of the manner in which such commutation may have been invested or appropriated; also the amount of the fund realized or to be realized from the sales of Clergy Reserve Lands already made, and the quantity of lands called Clergy Reserves remaining unsold on the 31st day of December last, in each section of the Province.

For the said Return, see Appendix (No. 35.)

Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 1st instant, praying His Excellency to cause to be laid before the House, a List of the Names of all Crown Land Agents in *Upper* and *Lower Canada* who have neglected to make the Returns required by Law; and also of such Agents as are now in arrear.

For the said Return, see Appendix (No. 40.)

MR. PROV. SEC. CARTIER moved that the house go into committee of the whole, to take into consideration the following Resolutions: —

1. That School Commissioners or Trustees of Dissident Schools, in Lower Canada, be empowered to raise by assessment and rate, for Common School purposes, an additional sum not exceeding that which they may now raise under the tenth sub-section of the twenty-first section of the Lower Canada School Act of 1856, (9 *Vict. c. 27*.)

2. That out of the school monies to which any municipality may be entitled for any year, the Superintendent of Schools for Lower Canada be authorized, with the approval of the Governor in Council, to retain a sum not exceeding twenty pounds, towards the support of a Model School in such municipality, as intended to be established under the fourteenth section of the Lower Canada School Law Amendment Act of 1849.

3. That out of the Legislative grant for Common Schools in Lower Canada, a sum not exceeding one thousand pounds be yearly set apart for special aids to Common Schools in poor municipalities in Lower Canada.

4. That out of the said Legislative grant, a sum not exceeding four hundred and fifty pounds be yearly set apart for encouraging the publication and circulation of a journal of public instruction in Lower Canada.

5. That out of the said Legislative grant, a sum not exceeding five hundred pounds be yearly set apart towards forming a fund for the support of superannuated and worn-out Common School teachers in Lower Canada.

6. That the sums mentioned in the three next preceding resolutions be expended by the Superintendent of Schools for Lower Canada, under regulations to be made by him, with the approval of the Governor in Council.

7. That there be established a Council of Public Instruction for Lower Canada, to consist of the Superintendent of Schools and unpaid members, to be appointed by the Governor; and that the salary of the Secretary of such Council and the contingent expenses thereof be paid as part of the contingent expenses of the education office for Lower Canada.

8. That the remuneration of the Secretary-Treasurers of School Municipalities may be in the discretion of the School Commissioners, increased to an amount not exceeding Seven per cent. on the monies received by them as such, instead of Four per cent., as provided by the twenty-second section of the Lower Canada School Law Amendment Act of 1849, (12 Vict. c. 50,) such increased allowance to cover all services required of the Secretary-Treasurers by the School Commissioners or Trustees, and not to exceed thirty pounds in one year in any case.

[Mr. Cartier then] ... explained at some length in French, the Resolutions he proposed¹⁶³. The first resolution was to amend the provisions of the present law, which prevents the Commissioners from taxing the Municipalities for a larger sum than [sic] the Government allowance. In Upper Canada, there was now no limit. By this resolution it was proposed to allow a tax double the Government allowance. And this increase in favor of the Commissioners had been very generally petitioned for. It might be urged that the sum of £20, which according to the second clause, was to be provided for the establishments [sic] of a Model School in each Municipality would be insufficient; but it was to be hoped that the appropriation of this sum might lead to the vote of sufficient sums by the Municipalities. By the third clause ... aid was provided for very poor School Districts. In the Upper Province £500 had been set aside for this purpose; but he had deemed it necessary to set aside as much as £1,000 for Lower Canada, as there were such a large number of poor persons there. The fourth resolution, for the setting apart of a sum for the establishment of a Journal of Education, of the same amount as that set apart in Upper Canada — a journal which would be of the greatest interest and benefit to the Inspectors and 3,000¹⁶⁴ [OR] 2,000¹⁶⁵ Teachers in Lower Canada and the pupils. The fifth resolution set apart £500 for the pensioning of superan[n]uated teachers — a similar sum having been appropriated for Upper Canada. And it would also be provided that any teacher taking of this pension must be a subscriber of £10¹⁶⁶ [OR] £1 per annum to the pension fund. The pension would not exceed six dollars per annum for the time he had been teaching and subscribing to the fund. The sixth resolution provided that the sum should be distributed by the superintendent. The seventh resolution provided for the establishment of a council of public instruction, with similar power to those given the similar body in Upper Canada. It would meet from time to time to make rules for the government of schools under the jurisdiction of school commissioners; they would classify schools and masters; they would regulate the mode of instruction, and the affairs of the normal school[s], they would make rules, too, for the several boards of examiners. He might mention it was his intention to provide for the establishment of a greater number of boards of examiners. Such an increase was found necessary. The council would choose, or publish, if necessary, the books to be used in the schools; it heretofore, unfortunately, has not been secured the power for the purpose conferred on the education office. They would have the power also to rescind the diplomas given to teachers by the normal schools, or examining boards. In France, such a power was

vested in a similar body. Their diplomas should be revoked whenever teachers were to be found leading improper or dissipated lives. By the eighth resolution, it was provided that the secretary and treasurer might receive 7 per cent on the monies passing through their hands, instead of the 4 per cent now allowed them. In consequence of the insufficiency of this sum, the commissioner could not get the secretary or treasurer to do all the duties incidental to their offices without giving them extra pay. The confusion of their accounts led to endless trouble on the part of inspectors and commissioners.¹⁶⁷

MR. A. DORION complained of the model Normal School system in each municipality as of no value. There should be one good model school in each county, where the pupils of most distinguished talent, from the common school[s] would get a better education. After taking all these sums accounting to some £12,000, out of the common school fund, it would leave but a small sum for the common schools themselves. There would not be £12,000 left for them. Before laying this scheme before the House, the hon. Provincial Secretary should have first shown that he had funds to carry out all these schemes. It might be all right, Government might give more money for the schools,¹⁶⁸ but members could not help feeling, until they had some assurance on this point, that they were placing in the hands of the Government the power of starving the common schools for the purpose of fostering all the other schools. He thought the people should have the right to tax themselves to any extent they liked.¹⁶⁹

MR. DUFRESNE would like to know if they were to have an increased grant for the proposed common schools.¹⁷⁰

MR. PROV. SEC. CARTIER. — Certainly. It was increased last year.¹⁷¹ He had no objection to allow the people to tax themselves to any extent; but there was danger of frightening the people on this subject, and it was the fear of some such power of taxation that had almost raised trouble in the country before. One must deal with their principles tenderly. With respect to Model Schools they were already provided for. It was only giving effect to the present law. The aid to these Model Schools provided for by this bill would come out of the Fund for superior education provided for by the other resolutions. With regard to the country Model Schools the country was already provided with Collegiate Institutions, to which the pupils could go as cheaply as to Model Schools; of course the Government would provide an increased loan for the support of schools. It had been increased for several years past. He hoped to secure a still larger increase this year. It was urged that the unexpended balance would decrease each year, as the benefit of the school fund was more generally taken advantage of; but the funds arising out of Jesuits' estates must increase with proper management by means of their sale and reinvestment, so that in two or three years he hoped to see it raised to £15,000 or £16,000 per annum. Out of £38,000 given to the U.C. school fund — this year, only £24,000 went to the support of the elementary schools. It was by this arrangement and [aid] to the superior education that the system had succeeded so well. There never was a larger sum than £24,000 distributed among elementary schools in Upper Canada. The bill would provide that school districts would, after July 1857, be obliged to submit to our examination in like manner as the master.¹⁷²

MR. SANBORN desired to call the attention of the hon. Provincial Secretary to certain defects and difficulties in carrying out the school law in Lower Canada. The people wanted a large grant and power to tax themselves to any amount they thought proper. Now the grant was so small as hardly to repay the trouble of doing it. Ascott with thirteen schools only got £88. That would give only £48 for the support of the other schools if £20 were taken [for] one of them a model school or £4 for each school. They need more money. They neither get enough nor are able to tax themselves sufficiently, so the sum thus raised has to be eked out with the subscription.¹⁷³ It was desirable that the Government grant should be increased, but if that could not be done, the Municipalities should have power to raise a sufficient amount by local taxation.¹⁷⁴ It is found annoying to have two or three taxes for two or three different purposes in one year. They do not like to have the honorable gentlemen come round too

often. It was suggested that the local Municipal Council should levy the taxes for both school and municipal purposes; or if this did not suit all parts of the country, allow the School Commissioners to decide whether they would do it themselves or leave it in the hands of the Council. The end of the ... year for the making up of the return comes in the middle of the Summer. If it ended later in the autumn both the summer and winter schools would be included.¹⁷⁵ He complained that the Commissioners were permitted to distribute the funds by school districts or by population as they deemed most expedient¹⁷⁶ [OR] it should be left optional with the Commissioners to divide the money equally with the districts or according to the number of schools. This was sometimes necessary when some of the districts were unable under the present system to support a good school. The present law respecting the building of school houses requires amendment also. Now grave doubts were entertained as to the mode of levying the assessments.¹⁷⁷

MR. PROV. SEC. CARTIER had no objection to the principle that the Commissioners should lose [sic] to any amount and would be glad in committee to make such amendments as would meet the views of Honorable members.¹⁷⁸

The Resolutions were ordered to be referred to a committee on Thursday.¹⁷⁹

(266) The Honorable Mr. *Cartier* moved, seconded by the Honorable Mr. *Lemieux*, That this House will, on Thursday next, resolve itself into a Committee, to take into consideration certain Resolutions relating to Common Schools in *Lower Canada*;

The Honorable Mr. *Cartier*, a Member of the Executive Council, by command of His Excellency the Governor General, then acquainted the House, That His Excellency having been informed of the subject-matter of this Motion, recommends it to the consideration of the House.

(267) *Resolved*, That this House will, on Thursday next, resolve itself into the said Committee.

Then, on motion of Mr. *Casault*, seconded by Mr. *Evanturel*,
The House adjourned.¹⁸⁰

Footnotes

1. *Montreal Gazette*, 17 April 1856, in a commentary, reports the following information about this petition: "Mr. DeWitt produced a sensation in the House, by presenting a petition which reached the whole length of the floor of the House, and bore 5000 signatures of people in Montreal, asking for protection. The petition is well timed and will assuredly not be without its effect. It was a matter of remark that none of the Montreal members were entrusted with its presentation, and some curiosity is felt to know their opinions with respect to its contents." *Toronto Daily Leader*, 9 April 1856, specifies that the petition is praying "for an amendment in the tariffs".
2. *Toronto Daily Leader*, 9 April 1856.
3. *Globe*, 9 April 1856.
4. *Toronto Daily Leader*, 9 April 1856.
5. *Globe*, 9 April 1856.
6. *Montreal Gazette*, 10 April 1856.
7. *Toronto Daily Leader*, 9 April 1856.
8. *Montreal Gazette*, 10 April 1856.
9. *Toronto Daily Leader*, 9 April 1856.
10. *Ibid.*
11. *Toronto Daily Leader*, 9 April 1856. *Montreal Gazette*, 10 April 1856, reports a slightly different statement, as follows: "Mr. Dorion thought the difficulty would perhaps be obviated by asking for all the correspondence between the parties, except opinions given by the law officers."

12. *Toronto Daily Leader*, 9 April 1856.
13. *Montreal Gazette*, 10 April 1856.
14. *Ibid.*
15. *Toronto Daily Leader*, 9 April 1856.
16. *Ibid.*
17. *Ibid.*
18. *Globe*, 9 April 1856.
19. *Ibid.*
20. *Globe*, 9 April 1856. This motion is brought up in answer to certain charges made by Mr. Cayley during the debate on Mr. Cartier's resolutions for Education, on 4 April 1856 (see footnotes 151 to 191, pages 1136 to 1138, and footnotes 208 to 233, pages 1140 to 1142).
21. *Toronto Daily Leader*, 9 April 1856.
22. *Globe*, 9 April 1856.
23. *Montreal Gazette*, 10 April 1856.
24. *Globe*, 9 April 1856.
25. *Toronto Daily Leader*, 9 April 1856.
26. *Globe*, 9 April 1856.
27. *Montreal Gazette*, 10 April 1856.
28. *Toronto Daily Leader*, 9 April 1856.
29. *Globe*, 9 April 1856.
30. *Globe*, 9 April 1856. This newspaper also reports a short commentary deprecating Mr. Cayley's apologies.
31. *Toronto Daily Leader*, 9 April 1856.
32. *Montreal Gazette*, 10 April 1856.
33. *Toronto Daily Leader*, 9 April 1856.
34. *Montreal Gazette*, 10 April 1856.
35. *Toronto Daily Leader*, 9 April 1856.
36. *Globe*, 9 April 1856.
37. *Toronto Daily Leader*, 9 April 1856.
38. *Globe*, 9 April 1856.
39. *Toronto Daily Leader*, 9 April 1856.
40. *Globe*, 9 April 1856.
41. *Toronto Daily Leader*, 9 April 1856.
42. *Globe*, 9 April 1856.
43. *Toronto Daily Leader*, 9 April 1856.
44. *Globe*, 9 April 1856.
45. *Toronto Daily Leader*, 9 April 1856.
46. *Morning Chronicle*, 12 April 1856.
47. *Globe*, 9 April 1856.
48. *Toronto Daily Leader*, 9 April 1856. *Montreal Gazette*, 11 April 1856, in a commentary, publishes a letter dated 27 February 1856, from Messrs. Young and Galt to Mr. Cayley, which fully describes their proposed scheme.
49. *Morning Chronicle*, 12 April 1856.
50. *Toronto Daily Leader*, 9 April 1856. All the newspapers reporting this speech differ from one another as to the figures given by Mr. Young. *Globe*, 9 April 1856, reports the following statement: "The whole of our exports to the British West Indies, in 1854, was only £2,248, and imports £668; and the whole of the imports and exports from all foreign countries, except the United States, £385,109. The total imports and exports from the United States, in 1854, was £6,487,994". *Montreal Gazette*, 10 April 1856, reports that Mr. Young asserted that "our whole value of exports in 1854 to the British West India Islands were only £2,250, and the imports thence only £668; to all foreign countries, United States excepted, the exports were only £49,000, and the imports only £33,000 — while our trade with and through the United States amounted to £7,000,000". *Morning Chronicle*, 12 April 1856, which otherwise copies the *Montreal Gazette*, reports the figures of £46,000 for the exports and of £33,800 for the imports to all foreign countries, United States excepted.
51. *Toronto Daily Leader*, 9 April 1856. *Globe*, 9 April 1856, reports the same figures as this newspaper. *Montreal Gazette*, 10 April 1856, however, differs slightly and reports the following figures: "The Province had now £3,500,000 invested in canals which yield nothing to the country — nay, less than nothing. The cost of repairs, &c., from 1849 to 1854 amounted to £430,000, and the cost of general management during the same period to £172,000, making a sum of £662,000 expense in five years. The revenues during the same period were only £458,000, showing a loss of £199,000."
52. *Globe*, 9 April 1856.
53. *Toronto Daily Leader*, 9 April 1856.

54. *Globe*, 9 April 1856.
55. *Toronto Daily Leader*, 9 April 1856.
56. *Morning Chronicle*, 12 April 1856.
57. *Toronto Daily Leader*, 9 April 1856.
58. *Globe*, 9 April 1856.
59. *Toronto Daily Leader*, 9 April 1856.
60. *Montreal Gazette*, 10 April 1856.
61. *Ibid.*
62. *Morning Chronicle*, 12 April 1856.
63. *Toronto Daily Leader*, 9 April 1856.
64. *Globe*, 9 April 1856.
65. *Ibid.*
66. *Ibid.*
67. *Montreal Gazette*, 10 April 1856.
68. *Globe*, 9 April 1856.
69. *Montreal Gazette*, 10 April 1856.
70. *Toronto Daily Leader*, 9 April 1856.
71. *Globe*, 9 April 1856.
72. *Montreal Gazette*, 10 April 1856.
73. *Globe*, 9 April 1856.
74. *Montreal Gazette*, 10 April 1856.
75. *Globe*, 9 April 1856.
76. *Ibid.*
77. *Ibid.*
78. *Montreal Gazette*, 10 April 1856.
79. *Toronto Daily Leader*, 9 April 1856.
80. *Globe*, 9 April 1856.
81. *Montreal Gazette*, 10 April 1856.
82. *Globe*, 9 April 1856.
83. *Montreal Gazette*, 10 April 1856.
84. *Toronto Daily Leader*, 9 April 1856.
85. *Montreal Gazette*, 10 April 1856.
86. *Globe*, 9 April 1856.
87. *Montreal Gazette*, 10 April 1856.
88. *Toronto Daily Leader*, 9 April 1856.
89. *Montreal Gazette*, 10 April 1856.
90. *Globe*, 9 April 1856.
91. *Toronto Daily Leader*, 9 April 1856.
92. *Toronto Daily Leader*, 9 April 1856. *Montreal Gazette*, 10 April 1856, reports that this gentleman "argued at some length against the scheme."
93. *Morning Chronicle*, 14 April 1856.
94. *Toronto Daily Leader*, 9 April 1856.
95. *Ibid.*
96. *Ibid.*
97. *Montreal Gazette*, 10 April 1856.
98. *Toronto Daily Leader*, 9 April 1856.
99. *Globe*, 9 April 1856.
100. *Toronto Daily Leader*, 9 April 1856.
101. *Montreal Gazette*, 10 April 1856.
102. *Globe*, 9 April 1856.
103. *Toronto Daily Leader*, 9 April 1856.
104. *Montreal Gazette*, 10 April 1856.
105. *Toronto Daily Leader*, 9 April 1856.
106. *Montreal Gazette*, 10 April 1856. *Toronto Daily Leader*, 9 April 1856, differs from this newspaper and reports that Mr. Young stated "that in five years, the external trade of the country had declined to the extent of nearly £2,000,000, and in the last ten years to £4,000,000", and "that while this decrease had taken place in the trade of the country, by sea, the inland trade of the country had at the same time increased from £4,000,000 to £15,000,000."

107. *Toronto Daily Leader*, 9 April 1856.
108. *Ibid.*
109. *Ibid.*
110. *Globe*, 9 April 1856.
111. *Toronto Daily Leader*, 9 April 1856.
112. *Montreal Gazette*, 10 April 1856.
113. *Morning Chronicle*, 14 April 1856.
114. *Toronto Daily Leader*, 9 April 1856.
115. *Montreal Gazette*, 10 April 1856.
116. *Globe*, 9 April 1856.
117. *Morning Chronicle*, 14 April 1856.
118. *Globe*, 9 April 1856.
119. *Toronto Daily Leader*, 9 April 1856.
120. *Montreal Gazette*, 10 April 1856.
121. *Toronto Daily Leader*, 9 April 1856.
122. *Globe*, 9 April 1856.
123. *Montreal Gazette*, 10 April 1856.
124. *Toronto Daily Leader*, 9 April 1856.
125. *Ibid.*
126. *Ibid.*
127. *Montreal Gazette*, 10 April 1856.
128. *Ibid.*
129. *Ibid.*
130. *Globe*, 9 April 1856. This newspaper also reports that "the hon. member continued for nearly an hour his argument for this location of the canal."
131. *Montreal Gazette*, 10 April 1856.
132. *Ibid.*
133. *Ibid.*
134. *Toronto Daily Leader*, 9 April 1856.
135. *Morning Chronicle*, 14 April 1856.
136. *Toronto Daily Leader*, 9 April 1856.
137. *Globe*, 9 April 1856.
138. *Toronto Daily Leader*, 9 April 1856.
139. *Montreal Gazette*, 10 April 1856.
140. *Toronto Daily Leader*, 9 April 1856.
141. *Morning Chronicle*, 14 April 1856.
142. *Globe*, 9 April 1856.
143. *Toronto Daily Leader*, 9 April 1856.
144. *Montreal Gazette*, 10 April 1856.
145. *Toronto Daily Leader*, 9 April 1856.
146. *Morning Chronicle*, 14 April 1856.
147. *Globe*, 9 April 1856.
148. *Toronto Daily Leader*, 9 April 1856. This newspaper reports that Mr. Young referred to Mr. Cayley; however, it is quite clear from the reports of *Globe*, 9 April 1856, and *Montreal Gazette*, 10 April 1856, that he referred to Mr. Cartier.
149. *Toronto Daily Leader*, 9 April 1856.
150. *Montreal Gazette*, 10 April 1856.
151. *Toronto Daily Leader*, 9 April 1856.
152. *Ibid.*
153. *Montreal Gazette*, 10 April 1856.
154. *Globe*, 9 April 1856.
155. *Montreal Gazette*, 10 April 1856.
156. *Toronto Daily Leader*, 9 April 1856.
157. *Globe*, 9 April 1856. In a synopsis of this debate, *Toronto Daily Leader*, 9 April 1856, reports that Mr. Cauchon referred to a "proposal ... made by parties to purchase the Burlington Bay Canal".
158. *Montreal Gazette*, 10 April 1856.
159. *Ibid.*
160. *Toronto Daily Leader*, 9 April 1856. *Montreal Transcript*, 11 April 1856, reports a commentary on this debate.

161. *Globe*, 9 April 1856, and *Toronto Daily Leader*, 9 April 1856, both report a more detailed description of this Bill, as follows: "Mr. Conger introduced a Bill to incorporate a portion of the Townships of Otonabee and Douro, heretofore known as the 'Scotch Village,' under the name of the Village of Ashburnham."
162. *Globe*, 9 April 1856.
163. *Globe*, 9 April 1856. In a short commentary, this newspaper specifies that "the debate was conducted almost entirely in French."
164. *Toronto Daily Leader*, 9 April 1856.
165. *Montreal Gazette*, 10 April 1856.
166. *Toronto Daily Leader*, 9 April 1856.
167. *Montreal Gazette*, 10 April 1856.
168. *Toronto Daily Leader*, 9 April 1856.
169. *Montreal Gazette*, 10 April 1856.
170. *Toronto Daily Leader*, 9 April 1856.
171. *Ibid.*
172. *Montreal Gazette*, 10 April 1856.
173. *Ibid.*
174. *Toronto Daily Leader*, 9 April 1856.
175. *Montreal Gazette*, 10 April 1856.
176. *Toronto Daily Leader*, 9 April 1856.
177. *Montreal Gazette*, 10 April 1856.
178. *Toronto Daily Leader*, 9 April 1856.
179. *Montreal Gazette*, 10 April 1856.
180. *Toronto Daily Leader*, 9 April 1856, reports that the House adjourned "shortly after 11 o'clock," whereas *Globe*, 9 April 1856, reports it adjourned "at half-past 11".

WEDNESDAY, 9 APRIL 1856

(267)

THE following Petitions were severally brought up, and laid on the table: —

By Mr. *Loranger*, — The Petition of M. *Héroux* and others, School Commissioners of the Parish of *St. Philippe*; and the Petition of the Sisters of *St. Joseph*, of the City of *Hamilton*.

By Mr. *Mackenzie*, — The Petition of *Andrew Upper* and others, of the Township of *Thorold*; and the Petition of *Ira Schofield*, late a Captain in the Second Regiment of *Leeds* Militia, during the War of 1812.

By Mr. *Polette*, — The Petition of the Reverend P. *de Villers* and others, of the Township of *Maddington*.

By Mr. *Aikins*, — The Petition of B. *McGuire* and others, of the Township of *Toronto*; and the Petition of W. *Johnson* and others, of the County of *Peel*.

By Mr. *Bowes*, — The Petition of *James Chambers* and others, of the Town of *Guelph*; and the Petition of *John Ryan* and others, of the Village of *Newmarket* and vicinity.

By Mr. *James Smith*, — The Petition of D. *Comstock* and others, of the United Townships of *Fenelon* and *Bexley*; and the Petition of *William Bell* and others, of the County of *Victoria*.

By the Honorable Mr. *Young*, — The Petition of *Horace B. Tebbetts*.

By Mr. *Brown*, — The Petition of *Thomas Murphy* and others, of the Township of *Sombra*; the Petition of the Reverend A.S. *Macaulay* and others, of *Nassagaweya*; the Petition of *George Bailey*, senior, and others, of *Lower Ireland*; the Petition of the Reverend C.C. *Johnson* and others, of *Orford* and *Howard*, County of *Kent*; the Petition of *John Taylor*, Worthy Patriarch, and others, Members of the Royal Division, No. 65, Sons of Temperance, of the Town of *Sarnia*; the Petition of *William Drope* and others, of the Township of *Alnwick*; and the Petition of *Samuel Markle* and others, of the Township of *Middleton*.

By Mr. *Freeman*, — The Petition of the Municipality of the Township of *Ancaster*.

By Mr. *Wright*, — The Petition of A.G. *Alexander* and others, of the Township of *Whitby*; the Petition of R.T. *Harrison* and others, of the Township of *Whitby*; and the Petition of *Aaron Campbell* and others, of the Township of *Whitby*.

By the Honorable Mr. *Merritt*, — The Petition of the Mechanics' Institute of *St. Catharines*.

By Mr. *Holton*, — The Petition of the *Montreal* Young Men's Christian Association and City Mission.

By Mr. *Masson*, — The Petition of *Lemuel Cushing*.

By the Honorable Mr. *Cauchon*, — Two Petitions of the Municipality of the Parish of *Chateau Richer*, County of *Montmorency*; two Petitions of the Municipality of the Parish of *Ste. Anne*, County of *Montmorency*; the Petition of the Municipality of the Parish of *St. Joachim*, County of *Montmorency*; and the Petition of the Municipality of the Parish of *L'Ange Gardien*, County of *Montmorency*.

(268)

By Mr. *Biggar*, — The Petition of N.F. *Griffin* and others, of the County of *Brant*.

Pursuant to the Order of the day, the following Petitions were read: —

Of *John Jefferies* and others, of *Rawdon* and *St. Jacques*; of *Samuel Smiley*, senior, and others, of *Rawdon* and *St. Jacques*; of *Henry Trelvar* and others, of the Township of *Georgina*; of *James A. Johnston* and others, of the Township of *Manvers*; of *George Stevens* and others, of the Township of *Darlington*; of *John Climie* and others, of the Village of *Bowmanville*; of *Henry Elliott* and others, of the Village of *Hampton*; of *William Scott* and others, of the County of *Two Mountains*; of *William Edwards* and others, of *Ashburn* and vicinity; of *John Foy* and others, of *St. Andrews* and vicinity; of *William McCallum* and others, of the Township of *Roxborough*; and of *Angus McLeod* and others, of *Winslow*; praying for the passing of a Prohibitory Liquor Law.

Of *Edward Scallon* and others, of the Village of *Industry*; praying for certain amendments to the *L'Assomption* River and Railroad Company.

Of *Andrew Cowan* and others, Trustees of the *Cowansville* Female Academy; praying for aid.

Of *Thomas Allen* and others, of the City of *London*; of *John Allan* and others, of the Township of *Otonabee*, County of *Peterborough*; of *James Appelbee* and others, of the Town of *Oakville*; and of *David Arnott* and others, of the Town of *Oakville*; praying that Representation may be based upon Population.

Of the Reverend *T.E. Dagenais*, *Curé*, and others, School Commissioners, and others, of the Parish of *St. Norbert*; praying aid for the School in the said Parish.

Of *George April* and others; praying for aid to enable them to purchase seed grain.

Of the School Commissioners of the Parish of *Charlesbourg*; praying for aid to build a School House.

Of *Theron Dickey* and others, of the Township of *Clarke*; praying for the passing of an Act authorizing the Commissioner of Crown Lands to order a Survey to be made on the line between the seventh and eighth Concessions of the said Township.

Of *Colin McKenzie* and others; of the Session of the Presbyterian Church of *Wakefield*, County of *Ottawa*; of the Reverend *J. Scott* and others, of *Fredericksburgh* and *Ernesttown*; of *John Bailey* and others, of the Township of *Cavan*; of *Arthur Shaw* and others, of the Town of *Niagara*; of *William Heron* and others, of *Ashburn* and vicinity; and of the Reverend *John Campbell* and others, of the Township of *Kenyon*; praying for the abolition of Sunday labor in the Post Office Department, and on the *St. Lawrence* Canals.

Of *L. Demers* and others, of the Parish of *St. Pierre les Becquets*; praying that a permanent Seat of Government may be established.

Of *J.T. Abbott* and others, of *Newburg*; praying that the Bill to attach a certain part of the Township of *Dawn*, and the whole of the Township of *Euphemia* to the County of *Kent*, may not become Law.

Of *A. Washington* and others, coloured inhabitants of *Buxton*, Township of *Raleigh*; praying for the repeal of the Separate School Act.

Of *Alexander McLaren* and others, of the County of *Peel*; and of *William C. Gardiner* and others, of *Toronto* and other places; praying that the County of *Peel* may be separated from the County of *York*.

Of *Robert Mitchell* and others, Justices of the Peace, of the County of *Kent*; praying that the Townships of *Sombra*, *Dawn*, and *Euphemia* may be included in the northern limit of the County of *Kent*.

(269)

Of the Municipality of the Parish of *St. Marc*; praying to be indemnified for damage done to the banks of the River *Richelieu* caused by the Dam at *St. Ours*; and also, for aid to establish a Model Farm in the said Parish.

Of *E. Seeley* and others, of the United Counties of *Lincoln* and *Welland*; and of *Thomas Burgar* and others, of the United Counties of *Lincoln* and *Welland*; praying for the passing of an Act to enable the *Port Dalhousie* and *Thorold* Railway Company to extend their line of Road.

Of the Mayor, Aldermen, and Citizens of the City of *Montreal*; praying for the passing of Act to place the business of Broker in the City of *Montreal* under such restrictions and regulations as will more effectually conduce to the public interests.

Of the Mechanics' Institute of *Montreal*; praying for aid.

Of *I.B. Gloyd* and others, of the County of *Essex*; and of *William Smith* and others, of the Township of *Brompton*; praying that the Bill now before the House to prohibit the sale and manufacture of Ale and Spirits may not become Law.

Of *William Brooks* and others, of *Sherbrooke*; praying for certain amendments to the *Canadian Customs Duties* Acts.

Of the Town Council of the Town of *Cornwall*; praying for the passing of an Act authorizing the Mayor and Town Council to appropriate any surplus fund arising from the Loan after the completion of the Road from the Town of *Cornwall* to *Eamers' Corners* to be expended in the construction of general Town improvements.

Mr. *Thomas Fortier* reported from the Select Committee on the Bill to enforce the registration of Titles to Lands in the Townships of *Lower Canada*, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Monday next.

The Honorable Mr. *Cameron*, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Fourth Report of the said Committee; which was read, as followeth: —

Your Committee have examined the Bill to explain and amend the Charter of the City Bank, and the Bill to increase the Capital Stock of the *Port Darlington* Harbour Company, and have agreed to report the same without any amendment.

They have also examined the Bill to incorporate the Town of *Owen Sound*, in the County of *Grey*, and have agreed to an amendment thereto.

Also, the Bill to amend and consolidate the several Acts incorporating and relating to the Bank of *Montreal*, and the Bill to amend and consolidate the Acts of Incorporation of the Commercial Bank of the Midland District, to each of which they have made several amendments, which they beg to submit for the consideration of Your Honorable House.

Ordered, That the Bill to amend and consolidate the several Acts incorporating and relating to the Bank of *Montreal*, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House.

On motion of MR. HOLTON,¹

(269)

Resolved, That this House will immediately resolve itself into the said Committee.
The House accordingly resolved itself into the said Committee;

MR. HOLTON briefly explained that this Bill was chiefly a reproduction, for incorporation, of the various existing Acts incorporating the Bank of Montreal. There were only two alterations proposed to be introduced², which might be likely to cause difference of opinion; one of those was the 23rd clause, which removed all doubts on the right of the Bank to charge exchange ... [on] collecting bills due in different parts of the Province, but it was proposed that the Bank of Montreal should hereafter be allowed to charge only one-half per cent on these transactions. On the 24th clause, a motion was made in the Committee to oblige the Banks to redeem their notes at all their branches, but as there was a bill brought forward by the member for Laprairie for this subject, it was thought better by the Private Bill Committee not to introduce any clause on the subject.³

MR. YOUNG did not think that the Banks in this Province ought to be allowed to charge such a rate of exchange on their own bills cashed at a different place from where they had been issued. He thought the Banks should be compelled to redeem their own notes at par value.⁴

MR. HOLTON was astonished that a gentleman of such large commercial experience as his friend, should make such a proposition. Surely it would not be fair to ask the Bank of Toronto, for instance, to redeem in specie at all points of the Province, the notes it had issued here without allowing them a moderate maximum rate of exchange.⁵ [He] did not think his hon. colleague would wish to subject the Banks to a rule which he would consider unjust if applied to himself.⁶

MR. MACDONALD said it was only in payment of debts that it was proposed to make the Banks take their own notes.⁷

MR. HOLTON. — That comes to precisely the same thing. It can make no difference if the redemption is made imperative, if it is by the payment of debts to the Banks, or by the presentation of bills to cash.⁸

MR. S. SMITH (of Northumberland) thought the House ought to be allowed more time to consider a question of such importance.⁹

MR. HOLTON objected, and said it was not desirable, as the orders of the day had not been approached now for some days, and there were several private Bills now lying over before Committees.¹⁰

[He] did not think the hon. member for Northumberland, above all others, should object to the motion. Yesterday that hon. gentleman had received the consent of the House to introduce a similarly important bill. He hoped no objections would prevail against the motion now before the House.¹¹

MR. S. SMITH would suggest that the debate on the subject should be postponed until the general measure respecting banks, of which notice had been already given, should come before the House.¹²

MR. HOLTON, in explanation, reiterated his statement that this bill was merely to consolidate the various acts relating to the Bank, already in existence. He had no wish to press the motion against the wishes of hon. gentlemen; but he thought there could be no objection to the House going into committee on clauses which were already existing under the statute.¹³

MR. POULIN said there was no reason why the banks should not be obliged to take their notes at par, at all their agencies. What would be the effect of such an arrangement? Simply, that the Banks would have to multiply their capital as many times as they had agencies. What did it matter to the public whether there was one bank with a number of agencies in different places or a number [of] banks? In the latter case, of course, a discount must be paid at any given place, upon notes issued at any other place.¹⁴

MR. CHABOT thought the banks ought, at least, to be obliged to receive their notes in payment, at all their branches; for although the branches might be numerous, it was the same bank. Some persons require that all notes shall be redeemable at every branch; but he would not go quite so far as that. Instead of being a convenience to the remote parts of the country, such a law might deprive them of banking capital, by preventing banks establishing an agency in such places.¹⁵ He thought, however, this was an important matter, and should not be too hastily pressed through.¹⁶

MR. INSP. GEN. CAYLEY said that as there had been some amendments made by the Private Bill Committee, the House ought to wait until they had been printed. There was no necessity for taking up the matter in such a violent hurry.¹⁷

MR. HOLTON stated that the amendments made by the Private Bills Committee were merely unimportant verbal alterations. He had no objection to postponing his own measure, if a day were fixed for considering all the Bank bills now before the House¹⁸. [He] believed, as he had already stated, that it would be most convenient to discuss this principle upon a general measure like that of which Mr. Loranger had given notice. If that law was to be passed, it must be applicable to all Banks, and not made to apply to a single Bank, or a bill, the object of which was merely to consolidate the charter of a single institution. There were several Bank bills of a kind precisely similar to this, and he thought it desirable to bring them up and pass them all either to-day or on some other day that should be appointed by making those bills the first order of the day.¹⁹ He was desirous that the honorable member for Toronto, having the care of these bills now before the house, would state his views thereupon.²⁰

MR. CAMERON said, that with the exception of some slight verbal alterations, there was no difference in the provisions of the bill consolidating the clauses of the Commercial Bank — which had passed through a second reading in the House — and the present Bill. He would remark, that there was one important clause in the bill, which had reference to paying the notes of the Bank not only at the place where they bore date, but also at all places where they had established agencies. With respect to this, the Committee concluded that as there were only certain bank charters now before the Legislature, it would not be judicious to allow such an important clause to be introduced into those bank charters, to the exclusion of those banks whose charters were not before them. And as there was a general measure before the House, the Private Bill Committee declined deciding on the matter until that measure came up.²¹

MR. J.S. MACDONALD [asked a question.]²²

MR. CAMERON further said that the notes should be made payable only at their place of issue.²³

MR. AT. GEN. J.A. MACDONALD said, that as the principle of the hon. member for Lapra[i]rie's bill would apply to all the Provincial banks, it would be best to wait till that measure was discussed, before debating on this point.²⁴

MR. HOLTON explained that several of the clauses of his bill were in writing, and he had copied them from the other bills before the house, introduced by Mr. Cameron.²⁵

MR. CAMERON said that the clauses were the same as in those which had passed the Private Bills Committee.²⁶

MR. INSP. GEN. CAYLEY would withdraw his suggestion respecting the printing of the amendments. But hoped more time would be given for the consideration of the bill.²⁷ [He] suggested that a day should be fixed for the examination of the whole of the Bills now before the house.²⁸

MR. HOLTON had no objection, and would suggest that it be fixed for the 1st order of the day to-morrow.²⁹

MR. TURCOTTE thought some more stringent clause should be introduced into Bank charters, as the present law allowed bankers too much liberty for speculating with the money placed at their disposal. The Bank of Montreal, for instance, was one of the largest traders in Lumber in the Lower Province; and also traded to a great extent in iron castings. The hon. gentleman then narrated a case of this kind which had come under his own knowledge. A friend of his, named Hall, one of the most extensive iron factors in Quebec,³⁰ having failed in business, and being indebted to the Bank of Montreal, his estate was assigned to the Cashier of that Bank, who was carrying on the business for five years with the Bank capital. In some way Mr. Hall was connected with the railway forges, and thus the Cashier of the Bank became a partner in that concern.³¹ Now, he would ask, ought not such a state of things to be remedied? If the Banks went on at such a rate, ten years would not have elapsed before they would completely monopolise all the trade.³²

MR. A. DORION thought the representation of Mr. Turcotte was not quite correct. Mr. Geo. Hall having failed, his estate was handed over to Assignees to be wound up³³; and the fact of the cashier of the Bank of Montreal being one of the Trustees, did not authorise the hon. member to make the statement he had.³⁴ The Bank was not making fresh advances, but merely doing what it could to wind up the affairs of Mr. Hall. If it had made fresh advances, with a view other than that of winding up the estate, it would be a very different thing.³⁵ Could the hon. gentleman show that the Bank of Montreal had been advancing money in any unusual way?³⁶

MR. TURCOTTE continued in reply — that the trustees had not been appointed to wind up Mr. Hall's affairs, and that the Bank was daily making large advances of money to carry on the works, and at the rate they were going on, they would have to hold the estate in hand for five or six years, to see if they could wind it up.³⁷

MR. HOLTON contended that when all the facts were known, it would be found to sustain the explanations which had been given.³⁸ [He] could readily understand that under the circumstances stated by his hon. friend (Mr. Turcotte) the Bank would be obliged to come to some such arrangement in order to realise its assets. He was as much opposed to giving trading privileges to Banking Institutions, as any hon. gentleman in that House.³⁹ But this allusion to the transaction of Banks in the House was scarcely fair, especially as the Banks were at present restrained from trading by their charters, and might

be punished if they overstepped that rule, in a way which, no doubt, the learned member for Maskinonge was well acquainted with.⁴⁰ He would now move that the Committee do now rise, report, and ask leave to sit again.⁴¹

The motion was negatived⁴².

MR. SOL. GEN. H. SMITH was happy to find that when bills of importance came from the private bill committee, they would be placed on the orders of the day. And notice had already been given that on Thursdays the orders of the day would take precedence of the notices. Therefore, if this bill were placed first on the orders of the day for to-morrow, it could be then discussed.⁴³ It appeared that one of the clauses of this Bill was intended to legalize the charge of one half per cent. now charged by the Banks on their paper cashed otherwise than at the place of issue.⁴⁴

MR. HOLTON. — The Bill proposes that as the minimum rate.⁴⁵

A member ... [made] an observation⁴⁶.

MR. CAMERON ... said that a decision had not been made against that rule by the Court of Chancery; the case referred to was tried at *Nisi Prius*, and upon appeal the Court had set aside the finding of the Jury.⁴⁷

The Committee then rose.⁴⁸

(269-270)	<p>and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. <i>Wilson</i> reported, That the Committee had made some progress, and directed him to move for leave to sit again.</p> <p><i>Ordered</i>, That the Committee have leave to sit again To-morrow, and be then the first Order of the day.</p>
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[On motion of] MR. CAMERON⁴⁹,

(270)	<p><i>Ordered</i>, That the Bill to amend and consolidate the Acts of Incorporation of the Commercial Bank of the Midland District, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for To-morrow, and be then the second Order of the day.</p>
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[On motion of] MR. COM. CR. LANDS CAUCHON⁵⁰,

(270)	<p><i>Ordered</i>, That the Bill to explain and amend the Charter of the City Bank, be read for the third time To-morrow.</p>
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Mr. *Stevenson*, from the Standing Committee on Printing, presented to the House the Tenth Report of the said Committee; which was read, as followeth: —

The attention of Your Committee has been called to a document laid upon the Table of Your Honorable House, entitled "Report of the Senate of the University of *Toronto* upon the complaints preferred against the Principal and Mathematical Master of *Upper Canada College*."

Your Committee have examined the documents in connection with this Report which are composed of a mass of evidence of four hundred and ninety-three pages of manuscript upon the inquiry into the said complaints; and after mature and careful examination are unanimously of opinion that the Printing of the same will be of no public utility, and therefore respectfully recommend that they be not printed either in the Appendix to the Journals, or in any other form.⁵¹

MR. J. SMITH (Victoria) said, that much difficulty having been experienced in getting a quorum on the Committee on Railroads and Canals, he would move that ... [it] be reduced to seven members.⁵²

MR. BROWN thought it would be rather a dangerous course to make seven members a quorum for a Committee of 19 or 20.⁵³

MR. J.S. MACDONALD suggested that the difficulty might be met by striking off the names of a few of the members, which would reduce the quorum.⁵⁴

MR. AT. GEN. J.A. MACDONALD supported the motion, which he considered necessary to expedite the business of the Committee.⁵⁵

The motion, after some further discussion, was agreed to.⁵⁶

(270) On motion of Mr. *James Smith*, seconded by Mr. *Conger*,
 Ordered, That the Quorum of the Standing Committee on Railroads, Canals, and Tele-
 graph Lines be reduced to seven Members.

MR. JACKSON moved that the bill to incorporate the town of Owen Sound, reported by the Private Bill Committee without amendment, be referred to a committee of the whole House.⁵⁷

MR. J. SMITH said, at the commencement of the session, it was agreed [sic] that bill[s] reported by that committee should appear on the Orders of the Day, before [b]eing considered in committee of the whole.⁵⁸

MR. JACKSON said that such being the case, he would allow it to stand for the Orders of the Day, to-morrow.⁵⁹

(270) *Ordered*, That the Bill to incorporate the Town of *Owen Sound*, in the County of *Grey*, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for To-morrow.

Ordered, That Mr. *Clarke* have leave to bring in a Bill to confirm the partition made by the Trustees of the Will and Codicils of the late *Anne Powell*, of the real estate of the late Honorable *William Dummer Powell*, Chief Justice of *Upper Canada*, and for the appointment of new Trustees of the respective shares thereunder, of *John Powell* and *Eleanor* his wife and their children, and of *Mary Sophia Coxwell* and her children, with additional power to substitute new Trustees and to partition, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

Ordered, That Mr. *Freeman* have leave to bring in a Bill to incorporate the Union Bank of *Upper Canada*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That the Bill to increase the Capital Stock of the *Port Darlington Harbour Company*, be read for the third time To-morrow.

On motion of MR. J. MORRISON,⁶⁰

(270) *Ordered*, That Mr. *Galt* be added to the Standing Committee on Railroads, Canals, and Telegraph Lines, in the room of Mr. *Bellingham*.

(271) *Ordered*, That Mr. *Bell* have leave to bring in a Bill to amend the Act incorporating Library Associations and Mechanics' Institutes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

MR. HARTMAN moved for an address to His Excellency the Governor General, praying him to be pleased to cause to be laid before this House a return of all reports from the Chief Superintendent[s] of Education in Upper and Lower Canada, and all correspondence between those officers or either of them and the Government, or any member thereof, in regard to the Common School Grants.⁶¹

MR. PROV. SEC. CARTIER would like to know how far back the honorable member meant to go.⁶²

MR. HARTMAN. — As far back as 1848. He would wish to have all the correspondence.⁶³

MR. PROV. SEC. CARTIER inquired if the honorable member for North End would press his motion to-day.⁶⁴

MR. J. MORRISON would like to know whether the reports should be printed, or only returns. If printed, they would fill several volumes.⁶⁵

MR. HARTMAN only required returns of the grants made to the Common Schools.⁶⁶

MR. A. DORION suggested that there should be a small paragraph inserted with the report, treating on the contents of the report.⁶⁷

MR. HARTMAN said that would be set forth in the correspondence of the different Superintendents in Upper Canada.⁶⁸

(271)

On motion of Mr. *Hartman*, seconded by Mr. *Aikins*,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a Return of all Reports from the Chief Superintendents of Education in *Upper* and *Lower Canada*, and all correspondence between those officers, or either of them, and the Government, or with any Department thereof, in regard to the Common School Grants, since the year 1848.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. *Jobin* have leave to bring in a Bill to facilitate the examination of Candidates for admission to the Notarial Profession in *Lower Canada*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. *Loranger* have leave to bring in a Bill to exempt universal Legatees from the necessity of demanding delivery (*délivrance*) of their Legacies in *Lower Canada*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Ordered, That Mr. *Stevenson* have leave to bring in a Bill to provide a standard of Weights for Roots, Seeds, and Dried Fruit.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Ordered, That Mr. *Loranger* have leave to bring in a Bill to expedite the proceedings in Suits arising out of Commercial matters.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Ordered, That the Honorable Mr. *Cameron* have leave to bring in a Bill further to secure the Independence of Parliament.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.⁶⁹

On motion of Mr. *Aikins*, seconded by Mr. *Hartman*,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, copies of all Correspondence which has passed between the Government and the Grand Trunk Railway Company since the last meeting of Parliament to the present time, in reference to any Loans for the benefit of that Company; and what balance, if any, remains on hand of the grant of last Session, not paid to the Company.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

(272)

Ordered, That Mr. *Jean Baptiste Daoust* have leave to bring in a Bill to amend the Act 18 Vic. cap. 99.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.⁷⁰

MR. FERGUSSON moved to add Messrs. Clarke and Jackson to the Select Committee to whom were referred the petitions of the Town Council of Berlin and certain other municipalities of the county of Waterloo, on the subject of the Guelph and Dundas Road debt.⁷¹

(272)

Ordered, That Mr. *Clarke* and Mr. *Jackson* be added to the Select Committee to which was referred the Petition of the Municipality of the Township of *Woolwich*, County of *Waterloo*.

MR. A. DORION moved, "That it is expedient to amend the existing laws for the decision of contested elections of Members of Parliament, and that a Committee of seven members should be appointed to enquire concerning the fittest mode of deciding any contested election, with despatch and impartiality."⁷² Every one felt the necessity for the reform of the law in this regard. Last session had been very much prolonged by the large number of contested elections to be disposed of.⁷³

MR. PROV. SEC. CARTIER thought that the motion should be postponed for the present, or have it referred to a committee of which the mover would be a member. But at present a committee was sitting to enquire into such things.⁷⁴

MR. J.S. MACDONALD said his hon. friend wanted a Committee appointed to find out if some means could not be adopted which would make the trial of contested elections more simple, speedy and satisfactory. They are now tedious, uncertain, and unsatisfactory to all parties. He thought it was advisable a new Committee should be struck. The expense of the present system was very heavy, especially where a reference to a Commissioner was made.⁷⁵

MR. SICOTTE the SPEAKER ruled that it was out of order at present, to move the addition of the mover's name to the committee.⁷⁶

MR. A. DORION moved that the words down to "appointed to" be left out, and that the Standing Committee of Privileges be a committee to enquire concerning the fittest mode of deciding any contested election, with despatch and impartiality.⁷⁷

(272)

On motion of Mr. *Antoine Aimé Dorion*, seconded by Mr. *Papin*,

Ordered, That it be an Instruction to the Standing Committee on Privileges and Elections, to inquire into the expediency of amending the existing Law for the trial of Controverted Elections of Members of Parliament, and as to the most desirable means of providing for the same, with power to report thereon by Bill, or otherwise.

On motion of MR. LORANGER,⁷⁸

(272)

Ordered, That Mr. *Antoine Aimé Dorion* be added to the said Committee.

On motion of Mr. *Jobin*, seconded by Mr. *Darche*,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, a Statement of all Seizures and Forfeitures which were made at the Custom House, *Montreal*, from 1st January, 1854, to 1st January, 1856, shewing their nature, and the date thereof, the proceeds of the Sale of the Articles so seized and forfeited, the amount accruing to the Government from such Sale, and the share of the Penalties which accrued to the Officers to whom the same was granted and paid; and a further Statement shewing the number and nature of the suits instituted, against whom they were instituted, and the results of such suits, with the costs of [sic] suit, and other costs incurred by the said Custom House, during the said period.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. CRYSLER moved for leave to introduce a Bill to legalize a certain By-law passed on the 11th June, 1855, by the Municipal Council of the Township of Cornwall, in the United Counties of Stormont, Dundas and Glengary, and that the 67th [sic] rule of the house be suspended for the purpose.⁷⁹

MR. HARTMAN would like to know the nature of the motion.⁸⁰

MR. CRYSLER explained at some length — but his remarks were inaudible⁸¹.

MR. SOL. GEN. H. SMITH said that if ever there was a case that called for the intervention of the House, it was the present case. The inhabitants had passed a by-law⁸² [which] was only rendered illegal by the passage of an act which came into force last year, and of which the Municipal Council knew nothing⁸³; and all that was required was to bring in a bill to legalise that by-law. And he did not think that any objection should be thrown in its way.⁸⁴

DR. McDONALD said that this was a by-law for the erection of a Town hall, illegally passed, not having been submitted to the people⁸⁵. [He] knew something about the feeling of the people of the township on this subject. And he would tell the House that the Council commenced to build the Town Hall in opposition to the wishes of the majority of the rate-payers of that place, who took every method to acquaint the Council with their views of the matter. They called a meeting and passed resolutions condemnatory of the proposed object. The Solicitor General had stated that the Council did not know about the passing of the Act, but such was not the case; and not only that, but there was sufficient time between the passing of that Act and the time of the passing of the by-law, to enable all parties to be well acquainted with its provisions. The Council did know of the act; but they were in such a hurry to get on with their project, that they thought the inhabitants would not take the matter up. They went contrary to the wishes of the people in this matter; and they went contrary to the Act of Parliament, which stated that the by-laws should not be contrary to the wishes of the majority of the inhabitants. And now they come to the House to ask the suspension of a rule, in order to legalise their by-law. If ever there was a time when the rules of the House should be carried out, it was in the present case.⁸⁶

MR. PROV. SEC. CARTIER was surprised that any objections should be offered to the motion. In suspending the rule of the House, injury was done to no one, as they would be ample time given. The hon. member could send the matter before the committee on private bills, and oppose any clauses he thought fit.⁸⁷

MR. J.S. MACDONALD reminded the House that the Town Hall was built against the wishes of a majority of the inhabitants of Cornwall. If this by-law was passed, it would be establishing a bad precedent.⁸⁸

MR. CHISHOLM held in his hand a petition from a number of the inhabitants praying for the erection of a Town Hall.⁸⁹

The House then divided on the motion⁹⁰.

(272)

Mr. *Crysler* moved, seconded by Mr. *Chisholm*, and the Question being put, That the 62nd Rule of this House be suspended as regards a certain Bill to legalize a certain By-Law of the Municipality of the Township of *Cornwall*; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Alley*, *Bell*, *Biggar*, *Bowes*, *Brodeur*, *Cameron*, *Cartier*, *Casault*, *Cauchon*, *Cayley*, *Chabot*, *Chisholm*, *Church*, *Clarke*, *Conger*, *Crysler*, *Daly*, *Dionne*, *Evanturel*, *Felton*, *Ferres*, *Thomas Fortier*, *Octave C. Fortier*, *Gamble*, *Gould*, *Gutvremont*, *Jackson*, *Labelle*, *LeBoutillier*, *Lemieux*, *Lyon*, *Macbeth*, Attorney General *Macdonald*, *Meagher*, *Joseph C. Morrison*, *Angus Morrison*, *Polette*, *Poulin*, *Pouliot*, *Robinson*, Solicitor General *Ross*, Solicitor General *Smith*, *Sidney Smith*, *Southwick*, *Spence*, *Stevenson*, *Taché*, *Terrill*, and *Turcotte*. — (49.)

(273)

NAYS.

Messieurs *Aikins*, *Brown*, *Bureau*, *Charles Daoust*, *Darche*, *Desaulniers*, *DeWitt*, *Jean B.E. Dorion*, *Antoine A. Dorion*, *Dostaler*, *Dufresne*, *Fergusson*, *Foley*, *Fournier*, *Frazer*, *Freeman*, *Galt*, *Gill*, *Hartman*, *Holton*, *Jobin*, *John S. Macdonald*, *Roderick McDonald*, *McCann*, *Masson*, *Mattice*, *Merritt*, *Murney*, *Papin*, *Patrick*, *Prévost*, *Sanborn*, *Thibaudeau*, *Wilson*, *Wright*, and *Young*. — (36.)

So it was resolved in the Affirmative.

Ordered, That Mr. *Crysler* have leave to bring in a Bill to legalize a certain By-Law of the Municipality of the Township of *Cornwall*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.⁹¹

MR. SICOTTE the SPEAKER left the chair at six o'clock ... [and returned] shortly after half-past seven.⁹²

[After the recess,]

(273)

Ordered, That Mr. *Frazer* have leave to bring in a Bill to vest a certain Road allowance in the Township of *Stamford*, in the County of *Welland*, in the Municipality of that Township.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

The Honorable Mr. *Cartier*, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General, — Supplementary Return to an Address from the Legislative Assembly, of the 28th February last, for Statement of sums paid for support of Common Schools in *Upper* and *Lower Canada* respectively, in 1855.

For the said Return, see Appendix (No. 24.)

Return to an Address of the Honorable the Legislative Assembly to His Excellency the Governor General, dated 1st April, 1856, for a Return of copies of the decision of the Judges under the Seigniorial Act.

For the said Return, see Appendix (No. 41.)

Ordered, That Mr. *Antoine Aimé Dorion* have leave to bring in a Bill to amend the Act 16 Vic. cap. 174, intituled, "An Act to permit Disinterments in certain cases, and for other purposes therein mentioned."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

MR. CHISHOLM moved an address to his Excellency, for a return showing the amount of Debentures issued to the Grand Trunk Railway Company of Canada since the 19th May, 1855, the day on which the Act — 18 Victoria, chapter 174 — received the Royal Assent, with the authority for the issue of the same.⁹³

MR. PROV. SEC. CARTIER said the Government had no objection to the motion being granted.⁹⁴

MR. HOLTON thought the Hon. Inspector General would have availed himself of this opportunity of explaining to the House and to the country the importance of this great enterprise. It appeared to him that this motion afforded the desired opportunity, and he hoped the hon. gentleman would avail himself of it to give the House and the country some information as to the manner in which the Legislation of the last session had been carried out by the Government in regard to this Company, as well as information of the present condition and prospects of this great enterprise, and also to give some explanation of the intended policy of the government in reference to the Grand Trunk Railway.⁹⁵

MR. INSP. GEN. CAYLEY said the Government would give an explanation of their policy in regard to this company, but they would choose their own time for such explanation. (Hear, hear.)⁹⁶ The first intimation they had had of any serious change in the position of the Company was the warning given at the commencement of the session by the hon. member for Sherbrooke, and the next thing they saw in regard to it was the published letter of Mr. Brassey. Very recently the Government had received an application from the Grand Trunk Company on the subject, but it had been returned in consequence of the absence of an important financial document referred to in the memorial. In the meantime⁹⁷, he was not prepared to give the explanation referred to by the honorable member for Montreal.⁹⁸

MR. HOLTON rose to speak, but was clamoured down.⁹⁹

MR. GALT thought it would have been well to have allowed his hon. friend to have continued his remarks.¹⁰⁰

MR. HOLTON. — I was about, Mr. Speaker, to observe — ¹⁰¹

MR. SOL. GEN. H. SMITH rose to a point of order. He submitted that any discussion was irregular, when the Government had consented to grant the return asked for.¹⁰²

MR. J.S. MACDONALD did not think that hon. members should be prevented from expressing the great anxiety they felt to know what had been done and what was intended.¹⁰³

MR. SICOTTE the SPEAKER said the hon. gentleman should confine his remarks to the question before the chair.¹⁰⁴

MR. J.S. MACDONALD said that the Government should give as early information as possible in this matter.¹⁰⁵ The publication of the letters which had been referred to, had opened the eyes of the people to the consequences of the legislation of last session, and great apprehension and alarm was felt as to the state of the affairs of this company in reference to the Grand Trunk¹⁰⁶ [and as to] what course the Government intended to pursue. It seemed, however, that these disclosures had not only taken the public by surprise — they had taken the Government by surprise as well, — ¹⁰⁷

MR. SICOTTE the SPEAKER. — Order.¹⁰⁸

MR. J.S. MACDONALD was merely going to say that the publication of these letters seemed to have proceeded from Government.¹⁰⁹

MR. SICOTTE the SPEAKER. — Order. — The motion before the House cannot possibly bring the publication of these letters before the House.¹¹⁰

MR. J.S. MACDONALD said he was sure they could not go into the question of these debentures, without referring to the publication of these letters and the excitement they have caused.¹¹¹

MR. PROV. SEC. CARTIER. — I say, yes!¹¹²

MR. J.S. MACDONALD would say, no; but he wished the Provincial Sec[r]etary to undetstand [sic] that they had something more to do here than merely to say yes, or no. It seemed to him that Government had no doubt sent these letters down for publication.¹¹³

MR. SOL. GEN. H. SMITH. — I call the honorable member to order. He has stated here that the Government have sent down these letters for publication.¹¹⁴

MR. SICOTTE the SPEAKER said that on a motion for an address, which was not resisted, no discussion ought to be allowed. The proper time for entering on a discussion would be when the returns were laid before the house.¹¹⁵

MR. GALT said with all deference to the remarks of the Speaker,¹¹⁶ that in practice, when subjects of very great importance were referred to in motions, to which in themselves there could be no objection, it had been usual in England to call upon the Government to give certain explanations¹¹⁷. (Chair, chair.) He claimed from the House the right of replying to the observations which had just fallen from the Inspector General.¹¹⁸

MR. SOL. GEN. H. SMITH. — I rise to a point of order.¹¹⁹

MR. SICOTTE the SPEAKER. — State the point of order.¹²⁰

MR. SOL. GEN. H. SMITH. — The honorable member is out of order in replying to observations made by the Inspector General on a mere motion for an address.¹²¹

MR. SICOTTE the SPEAKER. — The honorable Inspector General himself thought proper to go beyond the proper line of debate, and he would allow the same indulgence to any gentleman on the other side.¹²²

MR. GALT was sure that Mr. Speaker's sense of justice and equity, would permit him to explain on this occasion, and the more so as his name had been¹²³ constantly associated by the Inspector General with the Grand Trunk Company. This had been done by the Inspector General on a recent occasion in his absence, when his hon. friend from Lambton rose to defend him, and he omitted to say last night that he was deeply grateful to him for the defence he gave. But not content with that, the Inspector General now referred to his (Mr. Galt's) warning at the commencement of the session. But what was that warning? It was that, if the affairs of this country were not in the hands of energetic and able ministers, they would soon get into disorder. (Hear, hear.) And he now repeated it, and said that that warning had been manifestly called for. (Hear, hear.) But he considered it a most unfair thing to take advantage of remarks he had made, chiefly in reference to the Municipal Loan Fund, to blend his name with that of Mr. Brassey in connection with the letters of that gentleman which had been published, and of which he had no knowledge whatever.¹²⁴

MR. INSP. GEN. CAYLEY said he had not connected the hon. member's name with those letters. He did not wish what he had said to be misrepresented.¹²⁵

[MR. GALT] would appeal to the House if the Inspector General did not say that warning was borne out by the letters of Mr. Brassey.¹²⁶

MR. INSP. GEN. CAYLEY. — Will the hon. gentleman deny what he stated?¹²⁷

MR. GALT denied only what the Inspector General said, not what he said himself.¹²⁸

MR. INSP. GEN. CAYLEY rose to explain about the warning he had received from the hon. member for Sherbrooke — ¹²⁹

MR. LARWILL rose to a question of order.¹³⁰

MR. GALT disclaimed any wish to misrepresent the Inspector General, but the impression produced by the remarks of the hon. gentleman were such as he had stated. Now he denied that he had anything to do with those letters. While in England he never heard of it. Up to the time that he left England on the 22nd December last, the scheme had never been mentioned in his hearing. The motion now before the house was for a return of the Debentures issued since the 19th May, 1855. Now he thought the Inspector General might, without any impropriety have given the house some idea of what had been done, and what amount of Debentures had been issued.¹³¹ There was a rumor current out of doors that the Government had not issued them in accordance with the law, that through the fact of the connection of the Inspector General and other members of the Government with the company as directors the conditions of the loan Act had not been carried out.¹³² In such circumstances it was right that the Inspector General should grasp at the earliest opportunity he had of putting himself right on this point.¹³³

MR. INSP. GEN. CAYLEY said that this was the first occasion on which any allusion had been made in this house to the question of the amount of debentures either released or unreleased, and he had never heard any suspicions cast on the proceedings of the Government. When a question in regard to it was placed on the notice paper in the usual way, he would answer it. In reference to his previous remarks, what he had said was this: He said the first warning of impending danger came from the member for Sherbrooke, when he spoke of the large liabilities coming upon the country,¹³⁴ and in connection with the Municipal Loan Fund. He spoke of a debt of £10,000,000, but surely that did not mean the Municipal Loan Fund — for it embraced the whole debt of the Provinces, including the guarantee loans and all the collateral loans of the Province. The second warning was given in the letters from Mr. Brassey, which appeared a few days ago¹³⁵, but he did not connect the hon. member's name with Mr. Brassey's. The third intimation the Government had received was an application from the Grand Trunk Company, which had been returned in consequence of the absence of an important financial document.¹³⁶ As soon as this is returned Government would lose no time in stating their opinions in regard to the plans they wish to pursue in regard to this work.¹³⁷ In conclusion he would say that he regretted the hon. member should have permitted himself to make the remarks he did, with regard to his (Mr. C.'s) financial ability or the absence of it, seeing that the hon. member must be aware that his own name was frequently placed in connection with the seat which he (Mr. C.) had now the honour to hold.¹³⁸

MR. YOUNG said the debate might perhaps be unusual, but the circumstances of the country were peculiar. This country had invested nearly the half of its entire liability in railways.¹³⁹

MR. SICOTTE the SPEAKER said the policy of the country could not be brought up upon such a motion.¹⁴⁰ The discussion must be confined to the question before the chair.¹⁴¹

MR. YOUNG thought it the more necessary that the Inspector [sic] General should have come down with some statements in regard to the position of the Grand Trunk Company.¹⁴²

MR. AT. GEN. J.A. MACDONALD asked if the hon. gentleman ever in his life knew a financial Minister rise and make an address in regard to the financial state of the country upon such a motion — the thing never was heard of.¹⁴³

MR. BROWN said the House was indebted to the hon. member for Halton for having made the motion, but in his opinion it did not go far enough. He was sure the hon. member would have no objections to a few word[s] being added to his motion.¹⁴⁴ It was desirable that full information should be given, and there was no doubt in his mind but that the Hon. Inspector General would accede to the request. He would move in amendment, That the following words be added to the motion, "and also showing the whole amount received by the said Grand Trunk Company in payment of shares, and of bonds of the company and of Provincial Debentures respectively; the manner in which the proceeds of the said shares and bonds, and debentures have been expended; the debts due by the said Company; the estimated cost of completing the works of the said Company; and the stock and bonds yet available to the said Company for their completion." Though he quite agreed with the statement that the public look to this matter with great anxiety, yet he had not a very earnest desire to force the Government into any hasty conclusions. The house had rather cause to feel alarmed at the contemplation of what they will do, than otherwise — judging from past experience.¹⁴⁵ (Cries of oh, oh¹⁴⁶ [and] order, order.)¹⁴⁷ He put it to the hon. members of the other side of the House, if members on this side should be put down by noise. Members on the opposite side were in the majority, and they could vote them down, and therefore there was no excuse for trying to put them down by clamor.¹⁴⁸ The hon. member for Northumberland was a mere *claqueur*, (hear, hear,) (chair.)¹⁴⁹

MR. SICOTTE the SPEAKER read the amendment.¹⁵⁰

MR. S. SMITH said the hon. member for Lambton had made use of an expression towards him which he would not stand. If that gentleman had the courage to back up his statement, he (Mr. Smith) would be prepared to meet him in another place. (Hear, hear.)¹⁵¹

MR. SICOTTE the SPEAKER called the hon. member to order.¹⁵²

MR. BROWN said he had but a very imperfect knowledge of the French language. If the word he used was unparliamentary, he would withdrsw [sic] it, and apologise for having used it.¹⁵³

MR. AT. GEN. J.A. MACDONALD suggested the propriety of the hon. member for Lambton withdrawing the amendment, and moving it at a future time.¹⁵⁴

MR. GALT thought it was very requisite to get the information applied for as soon as possible, and he did not see why the hon. member for Lambton should withdraw his amendment. He supposed there would be no objections to grant the desired information, and he would be very sorry, indeed, if the adoption of this amendment should cause any delay in the announcement to come from the Government.¹⁵⁵

MR. J.S. MACDONALD desired that the Government should come down with the whole information.¹⁵⁶

MR. MERRITT concurred with the remarks of the hon. member for Halton. He thought if they got information of the £900,000 loan they would know then what remains¹⁵⁷. It was rumoured that they had sufficient debentures now in hand to finish the road, and he hoped they would not allow any unjust pressure from without to induce them to part with that money.¹⁵⁸ He hoped the amendment would not pass, because it would prevent them getting the information they wanted.¹⁵⁹

MR. BROWN offered to withdraw his motion, if the Government would consent to his moving it immediately after Mr. Chisholm's was adopted.¹⁶⁰

MR. PROV. SEC. CARTIER said if the hon. gentleman would give notice the Government would have no objection to his address. They had no objection that the information prayed for be given, but they wanted the notice given in proper time.¹⁶¹

MR. BROWN showed that this would waste a week¹⁶². If the Government had no objections to give the information, if another notice was given they might as well allow the amendment to pass.¹⁶³ [He] then proposed to amend his motion, so that the papers might be sent down separately, as proposed.¹⁶⁴

This, also, was declined¹⁶⁵.

MR. BROWN persisted in his amendment.¹⁶⁶

MR. PROV. SEC. CARTIER wished to say that the Government had no objection to giving all requisite information, but the hon. member for Lambton's amendment to the motion of the hon. member for Halton, would only cause delay.¹⁶⁷

MR. BROWN could not possibly withdraw it. Why could not the information be given at once?¹⁶⁸

MR. A. DORION supported the hon. member for Lambton's amendment.¹⁶⁹

MR. CHISHOLM said the amendment would defeat the object of the motion, as it would take so long a time to prepare the return.¹⁷⁰

MR. SICOTTE the SPEAKER put Mr. Brown's amendment¹⁷¹.

(273)

Mr. *Chisholm* moved, seconded by Mr. *Angus Morrison*, and the Question being proposed, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a Return shewing the amount of Debentures issued to the Grand Trunk Railway Company of *Canada*, since the 19th May, 1855, the day on which the Act 18 *Vic. cap. 174*, received the Royal Assent, with the authority for the issue of the same;

(274)

Mr. *Brown* moved in amendment to the Question, seconded by the Honorable *John Sandfield Macdonald*, That the words "and also, shewing the whole amount received by the said Grand Trunk Company in payment of Shares, of Bonds of the Company, and of Provincial Debentures respectively; the manner in which the proceeds of the said Shares, Bonds, and Debentures have been expended; the debts due by the said Company; the estimated cost of completing the works of the said Company; and the Stock and Bonds yet available to the said Company for their completion" be added at the end thereof;

And the Question being put, That those words be there added; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Biggar, Bourassa, Brown, Bureau, Cameron, Christie, Charles Daoust, Darche, Delong, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Frazer, Freeman, Galt, Gamble, Gould, Hartman, Holton, Jackson, John S. Macdonald, Roderick McDonald, Mackenzie, Mattice, Munro, Murney, Papin, Patrick, Powell, Prévost, Rankin, Scatcherd, Wright, and Young*. — (35.)

NAYS.

Messieurs *Alley, Brodeur, Cartier, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Conger, Cook, Crawford, Crysler, Daly, Jean B. Daoust, Desautniers, Dionne, Dufresne, Felton, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Lyon, Macbeth, Attorney General Macdonald, McCann, Marchildon, Masson, Matheson, Meagher, Merriitt, Mongenais, Joseph C. Morrison, Angus Morrison,*

Niles, Polette, Poulin, Pouliot, Price, Robinson, Roblin, Solicitor General Ross, Shaw, Solicitor General Smith, Sidney Smith, Somerville, Southwick, Spence, Stevenson, Taché, Terrill, Thibaudeau, Turcotte, and Whitney. — (64.)

So it passed in the Negative.

Then the main Question being put;

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a Return shewing the amount of Debentures issued to the Grand Trunk Railway Company of *Canada*, since the 19th May, 1855, the day on which the Act 18 *Vic.* cap. 174, received the Royal Assent, with the authority for the issue of the same.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. CHISHOLM then moved an address to his Excellency, for a list of the names of the "skilled Engineers" appointed by the authority of the act of last session, chapter 174, section 4, intituled, "an act for granting additional aid by loan to the Grand Trunk Railway Company of Canada," with a copy of the instructions given to such Engineers.¹⁷²

MR. J.S. MACDONALD ... made some remarks¹⁷³.

MR. GALT said, before the question was put, he wished to ask the Inspector General whether he was prepared to state to the house now, the time when these gentlemen were appointed, and whether their reports had yet been received. It should be known whether the government exercised due diligence in appointing these Engineers¹⁷⁴ [and whether] the loan had been paid out ... upon the report of the engineers or without it.¹⁷⁵

MR. J.S. MACDONALD asked if the hon. mover would add to his motion the words, "and any report made by the said Engineers."¹⁷⁶

MR. CHISHOLM meant to do all that was necessary for eliciting the information, but he would take further steps when the report came down.¹⁷⁷

MR. A. DORION said that the hon. mover asked for partial information, but it was quite proper to ask for the reports which the Engineers had made.¹⁷⁸

MR. CHISHOLM said he would hereafter make another motion upon the subject, which would furnish all that was required.¹⁷⁹

MR. HOLTON said the country would see it was not gentlemen on the opposition side who shirked the discussion of this question, but the administration who shrunk from saying either what they had done or were prepared to do.¹⁸⁰ (Hear, hear.)¹⁸¹

MR. AT. GEN. J.A. MACDONALD said the hon. member for Montreal had called on them in his very oracular manner to give certain explanations, and accused them of shrinking from the discussion. He [Mr. Holton] desired to urge on the discussion without any information. He did not want any information to discuss it, but the House did; and then the hon. member accused them who declared their readiness and willingness to bring down this information forthwith of shrinking from meeting an enquiry into it, and he asked if on a motion to get this information the discussion of the whole affairs of Railroads were in order? The zeal of the hon. member occasionally outran his discretion. It would be wrong in the Government to allow itself to be dragged into a discussion prematurely, and until the returns were laid before the House.¹⁸² He (Mr. Macdonald), had been in the Opposition as that hon. gentleman now was, and he (Mr. Holton), could choose of course his mode of attack, and if he went too far could retreat, and was none the worse off. It was very convenient to be in the Opposition.¹⁸³

[A voice:] Come over then.¹⁸⁴

[MR. AT. GEN. J.A. MACDONALD continued:] Members had grave responsibilities resting upon them, but they might be assured they should have from ministers in good time a full, true, and particular account of the whole affair. The Government had nothing whatever to conceal with respect to its dealing with the Grand Trunk Railway.¹⁸⁵ (Hear, hear.)¹⁸⁶

MR. POWELL accused the hon. Solicitor General West and the Attorney General West with inconsistency on this and a previous occasion.¹⁸⁷ [He] thought that it was necessary they should have the fullest information and speediest action by the Government. The country was anxious on this subject. Those who undertook to hold this were cool, keen speculators, who sought to make money out of the transaction. They had induced the Province to enter into it, and not the Province them. The Province had fulfilled all it had agreed to, and more, had made a further loan of £900,000, and was not prepared to go further without having very satisfactory explanation.¹⁸⁸

MR. A. DORION said, the house had this evening heard of "a factious opposition," but he really did think it had also witnessed a factious Ministry at the same time¹⁸⁹; it refused to grant information to which they declared they were ready to give, after notice had been given.¹⁹⁰ He would suggest that the following words be added to the motion, "And the Reports made by such engineers." He thought that since the correspondence had been before the public with this company, the Government should have come down and said what it intended to do in the matter.¹⁹¹

MR. CHISHOLM said, he had another motion to present hereafter to the house, asking for an address to his Excellency, praying that no further advances be made to the company until the Report made by the Board of Works, and of the Engineers who had been appointed, had been submitted to the house. He had no objection, therefore, to add the words proposed by the hon. member¹⁹², only he would have asked to ascertain first if there were any report.¹⁹³

MR. J.S. MACDONALD said, that there must be some Reports in the possession of the Government upon the subject, and why should they not be produced?¹⁹⁴ The Government ought not to have paid over to the company any part of the £900,000, without such a report. If they had done so, they had been guilty of a flagrant dereliction of duty.¹⁹⁵

MR. ROBINSON thought, that if the hon. members opposite were so very anxious to get more information than this motion asked for, why had they not moved for it weeks ago. (Hear, hear.)¹⁹⁶

MR. INSP. GEN. CAYLEY said with respect to the policy to be pursued by the Government, they had not yet any formal application from the Company before them. They could hardly tell the House what they would do.¹⁹⁷

The motion, as amended, was carried.¹⁹⁸

(274)

On motion of Mr. *Chisholm*, seconded by Mr. *Angus Morrison*,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, a List of the names of the "skilled Engineers" appointed by the authority of the Act of last Session, chapter 174, section 4, intituled, "An Act for granting additional aid, by Loan, to the Grand Trunk Railway Company of *Canada*," with a copy of the Instructions given to such Engineers, and the date of their appointment, with the Report of such Engineers, if there be any.

(275)

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. J.S. MACDONALD moved an "Address to His Excellency, for copies of all communications addressed to and despatches received from the Secretary of State for the Colonies, relating to the nomination of the members of the Legislative Council of this Province, to seats in that body in 1854, and also copies of any communication addressed to such members, and their replies in relation to their acceptance of such seats."¹⁹⁹ [He] said, the reason which induced him to put ... [this motion] was, that he supposed the late Government sincere in its declaration that it desired to make the Legislative Council elective; they came down in 1853 with a speech from the Throne announcing the act. It was taken up by the late administration then, and again taken up and passed through the Lower House by the present ministry. They had also appointed six other members to the Council.²⁰⁰ He would like to know if they were sincere in that appointment, but it rather appeared to him that the appointment of those hon. gentlemen to seats in that body, had been made upon condition that they should endeavour to carry out the policy of the government, and not to thwart any of their measures.²⁰¹ If there were no communication respecting their appointment, bearing on this point, they had not been true to their professed opinions, but had pursued a course in contradiction to their professed policy.²⁰² However, he thought it indispensable for the house to have the information he now asked for.²⁰³

(275)

On motion of the Honorable *John Sandfield Macdonald*, seconded by Mr. *Brown*,
Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, copies of all Communications addressed to, and Despatches received from, the Secretary of State for the Colonies, relating to the nomination of the Members of the Legislative Council for this Province to seats in that Body in the year 1854; and also, copies of any Communication addressed to such Members, and their replies, in relation to their acceptance of such seats.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. POWELL moved for the reading of the Journals of Thursday, 3rd of April, with a view of rescinding the resolution postponing the issue of a Writ for the county of Argenteuil, till the 14th April. The hon. member stated that²⁰⁴ he was not present at the time, and had not the benefit of hearing the arguments; but he thought the decision a most extraordinary one²⁰⁵. In no instance, in England, had a writ been suspended, except in cases of bribery and corruption, and in cases of extreme violence²⁰⁶. He would read some of the opinions of the first Parliamentary authorities in England: Mr. Wm. Winne, in the Ludlow case, 1840, said the only ground on which the suspension of the writ would be justified was, such general corruption as made it necessary to consider the propriety of special legislation or disfranchisement. The hon. member quoted several other opinions to the same effect. He (Mr. P.) defied them [sic] to show any case of a suspension of a writ for violence in England, except²⁰⁷ with a view to future legislation. In the present case no legislation was sought to be provided.²⁰⁸ Violence had often occurred in Montreal, from bands of men from Griffintown, yet was there ever any suspension of a writ? Look at the dangerous precedent they were setting.²⁰⁹ If this was carried out, it would be placing in the hands of the Administration the power to suspend the writ of any member; which power might be greatly abused.²¹⁰ They placed it in the hands of a majority to disfranchise a community at any time it suited their party purposes. He believed that in the vote the House gave the other day, members of that House were taken by surprise. The hon. member, who moved the suspension of the writ [Mr. Lyon] had misled the House, not willingly, he was willing to believe, but he had incorrectly stated that the member for Argenteuil had twice been unseated by violence. This was not so; he was unseated on the first occasion because a poll was not opened in certain parishes where there were hardly any inhabitants. Nor was the violence of that premeditated sort which justified so grave a step as this. Another reason why the precedent was a dangerous one was this, that the course was not recommended by the Committee. Parliament in England and here had always jealously refrained from interfering with the action of election committees, and it was well they should do so. It was not the delay of three or four days that he cared for now, but the great constitutional question whether a constituency should be disfranchised

in this manner by an accidental parliamentary majority.²¹¹ In moving in this matter, he had no personal or party ends. He did not know whether the former member would be returned, or another supporter of the Ministry, or a member of the small party led by the hon. member for Toronto — and perhaps that consideration had something to do with the decision of the house. But he treated the question as one of broad constitutional principle, and he hoped that it would be so dealt with by the house.²¹²

MR. CHABOT said the hon. member was incorrect in his statements also. The member for Montreal has given notice of a bill to provide for the requisition of an election, to be held in Argenteuil. He thought the case was one which demanded legislation. Even though the committee had not divided on the first occasion on the question of corruption or violence, yet in both instances it had been alleged, and proof adduced, which showed there were grounds for the allegation.²¹³

MR. A. DORION (Montreal) said as he had supported the motion for delay he would explain the reason that had induced him to do so. The hon. member had said there was no violence of a ... continuous sort. There is ... proof that there was not only violence at the time of the election, but afterwards also, down to the time of taking of evidence before the Commissioners. The Bailiff sent out with subpoenas had been fired at and threatened with other violence²¹⁴, and had a very narrow escape from being murdered; and this occurred five months after the election.²¹⁵ The Commissioners had issued 697 subpoena[s], but could only get 46 in attendance. Men had been deterred from coming out. He had been compelled to apply to the Government for aid to suppress the riots attendant on the investigation.²¹⁶ The bailiff has also certified that a great many of the persons who had voted at that election did not belong to that county at all, but came down from a neighboring county to vote.²¹⁷ In the townships, where only 72 patents had issued for half lots, over 300 votes had been given. He had never examined the evidence before the Committee with more pain — except, perhaps the two cases of Kamouraska and Saguenay. There was a manifest determination on the part of certain parties in Argenteuil, not only to prevent the election, but afterwards to interfere with the due administration of justice. He had never found any case requiring more vigorous action than this, in order to preserve the freedom of election; and, he had therefore given notice of a bill to secure a fair election in Argenteuil. In the Saguenay case the writ was suspended, in order to permit legislation, and a bill had been introduced and passed.²¹⁸

MR. LYON said had he not been the member who moved the amendment on which the writ was suspended, he would not have thought it necessary to answer the remarks, which, however skillfully disguised, were meant to be personally offensive to him. But, being accused of having misled the House, he felt it his duty to explain that he had not done so. Those who advised hon. members to be informed of facts before speaking should take the lesson to themselves. The suspension of the writ had not been moved with a view to disfranchise the country [sic] or to deprive them of their rights, but to protect other rights; to protect the rights of the whole country and to secure to legal voters in the county itself the rights to exercise their franchise, and to send the member of their choice into that House. It was explained by him, when moving the suspension of the writ, that although the first election was not void on account of violence — yet it was only because other sufficient grounds had been found. It was alleged and could have been proved that no great wrong could have been done by the short delay proposed. It became a serious question whether the constituency ought not to be disfranchised — some action was needed by Parliament in the matter. They had examples in Upper Canada of the suspension of writs for similar causes. The legal majority in that constituency had been disfranchised by the evidence of the friends of the member who lately held the seat — that was the real hardship of the case. The Committee could not desire the suspension of the writ. That must be done by the action of the House, if it had properly been done. He believed the majority of the House were not prepared to go back over their votes to admit they had voted hastily, or rashly, or improperly on the previous occasion.²¹⁹ If hon. gentlemen acceded to this motion, it would, he felt confident, establish a dangerous precedent.²²⁰

MR. SOL. GEN. H. SMITH was opposed to the motion for suspension. It appeared to him that the only reason for rescinding the resolution given by the hon. member for Carleton²²¹ was that he was not present when the original motion was carried — but his absence was nothing; that had happened 250 times during the session.²²² Now, he would beg to remind that hon. gentleman, that it was not because hon. members were not in their place when any great question was discussed, that the House should reconsider the question.²²³

MR. POWELL said he would not submit to the impertinence of the Solicitor General — but immediately apologised for his remark.²²⁴

MR. SOL. GEN. H. SMITH then continued to say that at the time of the union three-quarter[s] of the members for Lower Canada had been returned by violence, and he hoped the House would not continue to be filled with members so returned. He was not aware of the facts mentioned by the member for Montreal until he had heard him speak that night that Government was about to introduce a bill to regulate this particular election. But he thought these facts were of themselves sufficient to prevent the immediate issue of the writ, for it was no use to pass a law to restrain violence after the writ was issued. There was no question of party — no question whether the late member followed the tail of the member for Toronto or voted with any other set of members, but a question whether the House should not be filled with members fairly elected.²²⁵ He hoped the hon. gentleman would not press the motion.²²⁶

MR. CAMERON said that though violence was mentioned in the petition, the petitioner had not in the first instance made any objection to the election on the ground of violence when urging his case before the committee, and therefore the committee took ground very different from that which probably they otherwise would have taken. They gave no direction to the commission to enquire into the fact of violence, and therefore no evidence on that head ought to be taken. No writ was ever suspended in England unless that course was first recommended by the committee. Indeed, he did no[t] know any occasion when such a suspension took place, except when the cause of the decision was bribery and corruption. What he wanted to say, however, was, that violence formed no part of the original clause of the petition, nor of the case which the commission was directed to investigate; but the evidence was acted on by the committee because it was not objected to by the sitting member or his counsel.²²⁷

MR. POWELL maintained that no instance could be cited in England for the suspension of a writ, except for bribers [sic] and corruption. Indeed, if violence were to be a ground for disfranchisement, the violence in Montreal at elections and at the burning of the Parliament House ought to have caused that city to be disfranchised long ago. In England they made a great distinction between violence and bribery. Bribery might affect not only voters but the members of that House. Members might, for instance, have circuits as crown prosecutors, and being such, might be long absent from Parliament, and draw their pay all the time; or they might be candidates for a circuit judgeship. He concluded by saying he thought the writ ought not to be suspended²²⁸ [and] would insist on pressing his motion even if he were only supported by its seconder.²²⁹

MR. SOL. GEN. D. ROSS defended the practice of deferring the issue of writs, as reports of committees were brought up and read hurriedly and the house could not at once see whether the committee had kept itself strictly within the bounds of the matter referred to it.²³⁰ The Committee had no right to decide on anything ... [not] submitted to them. Now he understood violence was not alleged in a petition against the return. If that were so he wanted to know how it was the Committee had come to its decision, as it was the first rule of committees that they should decide nothing that was not referred to them. He thought the House ought to know whether the Committee had or had not exceeded its powers, and for that purpose ought to have a little delay. Instead of that, generally the writ went out immediately, without any consideration. He only spoke on the general ground of the impropriety of

haste. It seemed to him in this particular case that the Committee had decided a matter not referred to them. If that were the case, the House ought to arrest the proceeding of the Committee at once. He therefore was glad of a little delay, to see if the Committee had proceeded on proper grounds or not.²³¹

MR. CASAULT had voted for delay, to see if there were reasons for stopping the writ. Having read the papers, he was then to believe that the violence complained of had not been committed by the people of the County, and therefore did not think this people ought to be punished. He understood the decision of the Committee had been upon charges not contained in the petition.²³²

MR. CAMERON said no; what he had said was not that the decision was not on charges mentioned in the petition, but that it was upon grounds not urged by the petitioner or his counsel at Quebec — on grounds relative to which the commissioner has not been referred to take evidence, and on grounds therefore on which he had no right to take evidence. But as the petitioner's counsel did not object to the report of the commissioner on that particular, the committee was not unanimous in believing that they must not reject the consideration of the facts adduced.²³³

MR. WILSON contended that the Solicitor General, in arguing as he had done, had been guilty of an absurdity, as the house had no right to review the decision of an Election Committee. Their report was final, right or wrong. That was the law, and it was useless for the house to enquire whether they had proceeded on right grounds or not.²³⁴ Therefore, delay to review the decision must be useless. The Solicitor General, as a lawyer, ought to know that.²³⁵

MR. SOL. GEN. D. ROSS explained that he did not consider the house had any right to review or impugn the report of an Election Committee, but they were not bound to take action on it, unless they pleased. He could not agree with the member for London, that the committee was omnipotent and above law.²³⁶ If they went beyond the law, their decision must be null. The House ought to see that the committee did not go beyond the law.²³⁷

MR. CAMERON supported the motion, contending that the writ should have been issued immediately.²³⁸

MR. DEWITT being desirous that every constituency should be represented in Parliament, had voted against delay on a previous occasion, but now having received further information, he thought the delay was required, and would vote for it.²³⁹

The motion was then put²⁴⁰.

(275)

Mr. *Powell* moved, seconded by Mr. *Patrick*, and the Question being put, That the Entries in the Journals of this House, of Thursday the 3rd instant, be now read, with a view of rescinding the Resolution of postponing the issue of a Writ for the County of *Argenteuil* until Monday the 14th instant; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Cameron, Casault, Daly, Jean B.E. Dorion, Gamble, Lumsden, Roderick McDonald, Angus Morrison, Murney, Patrick, Powell, Price, Robinson, Somerville, Taché, Terrill, and Wilson.*
— (17.)

NAYS.

Messieurs *Aikins, Alleyn, Bell, Biggar, Bourassa, Brodeur, Brown, Bureau, Cartier, Cauchon, Cayley, Chabot, Chapais, Chisholm, Christie, Church, Clarke, Conger, Cook, Crawford, Crysler, Charles Daoust, Darche, Delong, Desaulniers, DeWitt, Dionne, Antoine A. Dorion, Dostaler, Dufresne, Evanturel, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Frazer, Freeman, Galt, Gill, Gould, Guévremont, Hartman, Holton, Jackson, Jobin, Labelle, Laporte, Larwill, Lemieux, Loranger, Lyon, Macbeth, Attorney General Macdonald, Mackenzie, McCann, Marchildon, Masson,*

Matheson, Mattice, Meagher, Mongenais, Munro, Niles, Papin, Poulin, Pouliot, Prévost, Rankin, Roblin, Solicitor General Ross, Scatcherd, Shaw, Solicitor General Smith, Sidney Smith, Southwick, Spence, Thibaudeau, Whitney, Wright, and Young. — (80.)

So it passed in the Negative.

Ordered, That Mr. *Southwick* have leave to bring in a Bill to vest certain Lands granted for Agricultural purposes in the Agricultural Societies of *Middlesex* and *Elgin*, with power to dispose of the same.

(276)

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. A. DORION, (Montreal) introduced a Bill to secure the freedom of election, at the next election for the County of Argenteuil. His object in introducing this bill was, he stated, in order to prevent any person voting at an election, who had used violence thereat.²⁴¹

MR. ALLEYN thought it dangerous to make a special law like this.²⁴²

(276)

Ordered, That Mr. *Antoine Aimé Dorion* have leave to bring in a Bill to secure the freedom of Election at the next Election for the County of *Argenteuil*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of Mr. *Larwill*, seconded by Mr. *Powell*,

Ordered, That the 62nd Rule of this House be suspended as regards a Bill to enable the Municipality of the Town of *Chatham* to dispose of a certain piece of land granted to the said Municipality for the purpose of a Burial Ground, and to appropriate the proceeds to the purchase of a more eligible site for a similar purpose.

Ordered, That Mr. *Larwill* have leave to bring in a Bill to enable the Municipality of the Town of *Chatham* to dispose of a certain piece of land granted to the said Municipality for the purpose of a Burial Ground, and to appropriate the proceeds to the purchase of a more eligible site for a similar purpose.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of Mr. *Angus Morrison*, seconded by Mr. *Chisholm*,

Ordered, That the 62nd Rule of this House be suspended as regards the Petition of *Thomas Clarkson* and others, Merchants and others, of the City of *Toronto*, and of the Counties of *York* and *Simcoe*.

Ordered, That Mr. *Angus Morrison* have leave to bring in a Bill to incorporate certain persons under the style and title of the *Toronto* and *Georgian Bay* Canal Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. *Rankin* have leave to bring in a Bill to alter and amend the Game Laws of *Upper Canada*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

MR. CHISHOLM moved to dispense with the 62nd Rule of this house as regards the Petition of Alexander McLaren and others, for the separation of the County of Peel from the County of York.²⁴³

MR. HARTMAN opposed the bill. It was strange that the member for Halton should be called upon to bring in a bill, which properly belonged to the hon. member on his right, (Mr. Aikins.)²⁴⁴

MR. AIKINS condemned the practice of suspending the Rules of the House.²⁴⁵

MR. GAMBLE was willing to vote for the motion, if the people of those counties were for it; but he thought that the division of counties was a bad practice.²⁴⁶

MR. CHISHOLM said that the feelings of a large majority of the people were for the separation. He was sure that it would be a great saving to the county.²⁴⁷

The House then divided²⁴⁸.

(276)

Mr. *Chisholm* moved, seconded by Mr. *Angus Morrison*, and the Question being put, That the 62nd Rule of this House be suspended as regards a Bill to separate the County of *Peel* from the County of *York*; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Alleyn, Brodeur, Cartier, Casault, Cauchon, Cayley, Chapais, Chisholm, Church, Clarke, Conger, Crawford, Crysler, Desaulniers, Dostaler, Dufresne, Thomas Fortier, Octave C. Fortier, Fournier, Gûvremont, Laporte, Lemieux, Attorney General Macdonald, Mackenzie, Marchildon, Masson, Meagher, Joseph C. Morrison, Angus Morrison, Poulin, Pouliot, Rhodes, Robinson, Roblin, Solicitor General Ross, Solicitor General Smith, Sidney Smith, Spence, Stevenson, and Thibaudeau.* — (40.)

(277)

NAYS.

Messieurs *Aikins, Bourassa, Brown, Bureau, Cameron, Charles Daoust, Darche, Jean B.E. Dorion, Antoine A. Dorion, Foley, Freeman, Galt, Gamble, Hartman, Holton, Laberge, John S. Macdonald, McCann, Papin, Patrick, Scatcherd, Whitney, Wilson, Wright, and Young.* — (25.)

So it was resolved in the Affirmative.

Ordered, That Mr. *Chisholm* have leave to bring in a Bill to separate the County of *Peel* from the County of *York*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of the Honorable Mr. *Merritt*, seconded by Mr. *Freeman*,

Ordered, That the 62nd Rule of this House be suspended as regards a Bill to enable the Town Council of the Town of *St. Catharines* to sell and convey certain Land purchased by the said Council for the purpose of a Cemetery.

Ordered, That the Honorable Mr. *Merritt* have leave to bring in a Bill to enable the Town Council of the Town of *St. Catharines* to sell and convey certain Land purchased by the said Council for the purpose of a Public Cemetery.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. *Chisholm* have leave to bring in a Bill for the protection of property lying on the North Shore of Lake *Ontario*, in the Counties of *York, Peel, and Halton*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. CAMERON moved for the appointment of a Select Committee, consisting of the Hon. Mr. Cayley, Messrs. Galt, Gamble, J.C. Morrison, and the mover, to enquire into the claim for the income tax made by the Commissioner[s] of Inland Revenue upon Canadian Securities payable in Great Britain, but held by residents in Canada, with the view to report an address to Her Majesty. He stated that at present the Commissioner[s] of Inland Revenue in England had decided that foreigners residing out of Great Britain, and holding Canadian Securities, of which the interest was payable in England, were exempt from the payment of income tax in England; but that Canadians who held such Securities were not thus exempt. He said that this was contrary to the maxim that Colonists could not be taxed without their consent, and he read the correspondence which had passed between himself and the Commissioners, from which he said that it appeared that the Colonists could, if they pleased, get this

exemption, but if so, they must claim it as foreigners; instead of that, he said that they ought to be able to claim it as Colonists.²⁴⁹

MR. INSP. GEN. CAYLEY moved in amendment, that the last clause of the motion be altered to "and to report thereon." He also begged that his name be withdrawn from that committee.²⁵⁰

[This was] granted, and Mr. Holton's name substituted.²⁵¹

MR. BROWN asked if the whole business of the Government was to be handed over to Committees? If ever there was a matter in which it was the duty of the Inspector General to assume responsibility, it was this. They might as well give up the theory of Responsible Government at once, and allow everything to be managed by Committees.²⁵²

MR. AT. GEN. J.A. MACDONALD imagined that Sir Robert Peel knew as much about Parliamentary affairs as most people, and yet any one reading his life would find that he never entered upon any great measure without first having the advantage of a committee to enquire into the facts. And yet Sir Robert did not think he was abandoning his position as a minister, or handing over the business of the country to private committees. Sir Robert Peel was not, however, a universal genius — he was not great upon all questions as the hon. member for Lambton, who shakes his ambrosial curls, and gives his message forth like Jupiter, and every nod he gives they must obey. (Laughter.)²⁵³

MR. CAMERON did not think the conduct of the Government open to the censures of the honorable members for Lambton and Glengarry. The honorable the Inspector General could not have received any notice of the matter until a few days ago²⁵⁴ and they then did not wish to take the matter out of his hands. Of course the House could not take the matter up until the facts were reported on by a committee of the House.²⁵⁵

MR. INSP. GEN. CAYLEY said that he had only been made aware of it a very short time since.²⁵⁶

The motion was agreed to.²⁵⁷

(277) *Resolved*, That a Select Committee, composed of the Honorable Mr. Cameron, Mr. Holton, Mr. Galt, Mr. Gamble, and Mr. Joseph Curran Morrison, be appointed to inquire into the claim for Income Tax made by the Commissioners of Inland Revenue upon *Canadian Securit[i]es* payable in *Great Britain*, but held by Residents in *Canada*, and to report thereon.

MR. J. MORRISON (Niagara), moved that on Thursdays the Orders of the Day take precedence of Notices of Motions.²⁵⁸

After a slight discussion, the motion was agreed to.²⁵⁹

(277) On motion of Mr. Joseph Curran Morrison, seconded by the Honorable Mr. Spence,
Ordered, That on Thursdays, the Orders of the day take precedence of Notices of Motions.

On motion of MR. S. SMITH,²⁶⁰

(277) A Bill to confirm the Patent for Lot number four, Broken Concession A and B, in the Township of *Hamilton*, was, according to Order, read the third time.
Resolved, That the Bill do pass, and the Title be, "An Act to remedy defects in the Patent for Lot number four, Broken Concessions A and B, of the Township of *Hamilton*."
Ordered, That Mr. Sidney Smith do carry the Bill to the Legislative Council, and desire their concurrence.

Then, on motion of the Honorable Mr. Attorney General *Macdonald*, seconded by Mr. Solicitor General *Smith*,
The House adjourned.²⁶¹

Appendix

[QUESTION AND ANSWER RE: LUNATIC ASYLUM, TORONTO.]

MR. LUMSDEN enquired of the Ministry, whether it is their intention to cause immediate steps to be taken to increase the extent of the Provincial Lunatic Asylum Building in Toronto, so as to prevent the necessity of retaining insane persons in the different gaols in Upper Canada?²⁶²

MR. INSP. GEN. CAYLEY replied, that it was the intention of the Government to proceed with the Lunatic Asylum in Toronto or to erect a second Asylum in some other locality, should it be found preferable to do so.²⁶³

[QUESTIONS AND ANSWERS RE: LOUIS ARCHAMBAULT.]

MR. PAPIN enquired of the Ministry, whether Louis Archambault, Esquire, still holds the office of one of Her Majesty's Justices of the Peace.²⁶⁴

MR. PROV. SEC. CARTIER replied that Mr. Archambault had sent in his resignation, which had been accepted.²⁶⁵

MR. PAPIN again enquired whether Louis Archambault, Esquire, has refunded to the Governor the surplus money which he received as Returning Officer, if not, whether it is the intention of the Government to exact the reimbursement of the said money, and why it has not been done before.²⁶⁶

MR. PROV. SEC. CARTIER replied, that the Solicitor General having left some details at Quebec which were necessary to close the case, it had remained until this moment unsettled, but in a few days Mr. Archambault would be informed of the amount he should have to repay.²⁶⁷

MR. PAPIN again enquired, whether Louis Archambault, Esquire, has applied to the Government for an indemnity on account of his having been deprived of the office of Registrar, and whether the Government intend granting it to him in full or in part.²⁶⁸

MR. PROV. SEC. CARTIER replied, that Mr. Archambault had made no such application.²⁶⁹

[QUESTION AND ANSWER RE: ADDITIONAL AID TO THE GRAND TRUNK RAILWAY COMPANY.]

MR. JACKSON enquired of the Ministry whether it is their intention, during the present Session, to submit a measure to Parliament, giving additional aid to the Grand Trunk Railway, to enable the company to connect with London and Sarnia, and to complete the Victoria Bridge?²⁷⁰

MR. INSP. GEN. CAYLEY replied, that there was no application at this time before the Government from the Grand Trunk for aid, but there was lately placed before them a memorial, which was returned to the Grand Trunk to get supplied an important financial document referred to in the

body of the document. When the Government again received it, they would give the subject their best consideration.²⁷¹

[QUESTION AND ANSWER RE: REGISTRARS, LOWER CANADA.]

CAPT. RHODES enquired of the Ministry whether it is the intention of the Government to pay the Registrars for their outlay and trouble in organizing the Municipal Councils in the various Counties in Lower Canada.²⁷²

MR. INSP. GEN. CAYLEY²⁷³ [OR] MR. PROV. SEC. CARTIER replied that it was the intention of the Government to pay the Registrars their actual disbursements, but not any fees.²⁷⁴

[MOTION FOR PRINTING RE: CLERGY RESERVES RETURN.]

MR. BROWN moved that the return sent down last night, relative to the commutation of the Clergy Reserves, be printed for the use of members.²⁷⁵

[This was] referred to the Standing Committee on printing.²⁷⁶

[WITHDRAWN MOTION FOR AN ADDRESS RE: SETTLEMENT OF CROWN LANDS.]

MR. ROBINSON submitted a motion for an Address to His Excellency; praying him to cause measures to be taken without delay for throwing open the waste-lands of the Crown on the North Shore of Lakes Huron and Superior, for settlement and mining purposes, on the most favourable terms; and also, to cause to be laid before this house, the Report of W. Salter, Deputy Provincial Surveyor, of his Survey and explorations of the above named localities, as well as the Reports of any other Surveyors who may have been employed on such Surveys. The hon. member said the object of his motion had been partly obtained by that of the member for Essex, asking for returns in regard to Mr. Salter's Survey. His object was to have measures taken by the Government for throwing open those waste lands for mining purposes and to settlers. But from the report of the speech of the Commissioner of Crown Lands on Mr. Rankin's motion, he understood that matter was under the consideration of the government, and if so, he would not take up the time of the house by pressing his motion.²⁷⁷ He [therefore] asked leave to withdraw his motion. (Loud cries of No, No.)

Mr. Robinson then explained that it was 6 years since the Government had obtained these lands from the Indians, and he (Mr. R.) had been sent up by the Government to make that treaty. The lands embraced in that surrender, which he then obtained from the Indians, extended from the borders of the lakes up to the territory of the Hudson Bay Company. The only object he had in view in bringing this motion forward was to draw the attention of the Government and the country to the great value of this tract, both in minerals and for agricultural purposes, and he was aware that great numbers of settlers would go there if they were certain that the Government intended to bring some measure forward for the settlement of the territory. In the immediate rear of the small settlement of St. Mary's there are some beautiful lands. There is a Crown Land Agent up there who is now only [a]waiting the instructions of the Government to proceed with the settlement of that very beautiful tract, and it was very desirable that the Government should take some early step to cause this fine tract of land to be thrown open for occupation; and to effect this it would be advisable to adopt the same course which had been taken by the Government of the United States, connected with the lands on their side of the line. He (Mr. R.) was very glad to learn from Mr. Salter's report that there was some very rich and valuable land there, and that a flourishing settlement may very soon be made there.²⁷⁸

MR. COM. CR. LANDS CAUCHON hoped the hon. gentleman would withdraw his motion. Since last year the Government had taken up the question as to the position and prospects of the mines in that territory, and also as to the amount of arable land on the North Shore of both Lakes.²⁷⁹ He had suggested to the Government, as lands were becoming very rare in Upper Canada, whether it was not possible to find some large tracts of land suitable for settlement, and Mr. Salter had been fortunate enough to find such on the North Shore of Lake Huron²⁸⁰, and the Indians had reported that equally good land lay beyond the limits of the survey.²⁸¹ Mr. Cauchon then explained as he had done on a former occasion, the new plan of survey he had adopted, in accordance with the American system, a base line being run from the head of Lake Nipissing, to the foot of Lake Superior, and side lines being created on that.²⁸² Other surveys would be immediately proceeded with from that base line, and ... it was intended to use the most approved astronomical instruments, which would not be liable to be magnetized, as was too frequently the case with the common instruments. There would not be the risk of disputed lines and concessions, and Bills constantly coming into Parliament to settle these disputed boundaries as was so very generally the case as regarded the present surveys both in Upper and Lower Canada, as most of those made 20 years ago were now become almost useless, as they have to be surveyed over again, which caused great expense, litigation, and often ruin to respectable families, and he had often known eleven surveyors to go upon one line, and six of them would differ upon comparing their results with the other five.²⁸³ He would not undertake to say the Government would immediately lay out a large sum of money in survey. But they were making explorations in order to ascertain what good land was there, in order to determine what surveys should be made for sale, as it was useless to lay out money on bad lands, or in the tracks where the good lands were separated from each other by barren localities.²⁸⁴ Government will shortly be able to state what land will be made available there. As soon as the base line can be established, and the Government perceives that settlers are disposed to occupy the tract, Government would have the land surveyed as fast as possible. He (Mr. C.) had never before seen such interest take[n] in a measure as was in the present one²⁸⁵, and he received an infinity of letters asking for the publication of the reports of the explorations in question.²⁸⁶ Some parties had gone up there on speculation, some to see the beautiful country, and many with the view to permanent settlement. There was no doubt that we required space for our spare population, and here there would be found that there was plenty of room. The hon. Commissioner concluded by assuring the House that he would endeavor to have the Report printed as fast as possible.²⁸⁷

MR. J.S. MACDONALD²⁸⁸ [OR] MR. DORION asked whether the difficulties spoken of were those which had induced the Government to send commissioners to²⁸⁹ [settle] the difficulty arising between the settlers and the Government in the Counties of Huron and Bruce²⁹⁰.

MR. COM. CR. LANDS CAUCHON replied that the difficulties for which commissioners had been sent ... were quarrels between squatters, and which could only be settled by commissioners being sent there.²⁹¹ The subject was found to be surrounded with difficulties, but all the cases had been brought before the attention of the government, and also those between settler and settler, and those between the agents and the parties, but there was a great difficulty in getting at the truth, as parties too frequently swore point blank that white was black. Commissioners had been appointed to enquire into all the cases. It was not only for the interests of the parties themselves, but also of the country, that all these difficulties should be brought to a close. In conclusion, he would observe that he had entered upon an explanation of this matter in reply to the questions which had been put to him, although the matter had not anything whatever to do with Mr. Salter's Survey.²⁹²

MR. J.S. MACDONALD was proceeding with an enquiry as to the appointment of Commissioners, and the appointment of Mr. Gowan as one of them,²⁹³ —

MR. SICOTTE the SPEAKER called him to order, as the appointment of Mr. Gowan was not embraced in the motion before the chair.²⁹⁴

MR. J. MORRISON was glad to hear that an improved system of surveys had been adopted, and that such a large tract of good arable land had been discovered²⁹⁵. [He] was very much pleased to find that this subject was engaging the attention of the Government, as it had been long known that a tract of beautiful land lay in that quarter, yet for 10 years nothing had been done with them. He (Mr. M.) was of opinion that it would be desirable that these lands should be at once thrown open for settlement even if they were made free, as it would add much to the prosperity of the Province, and to the progress of individuals if this find [sic] tract of land was at once thrown open for location; and not only were these lands very fertile but the climate was very agreeable. It would not be found to be farther North than²⁹⁶ Milwaukee or Shebo[y]gan²⁹⁷, of which one heard such variable accounts, or less congenial as to climate than many other of the States of the Union which were spoken so very highly of. It was desirable that the hon. Commissioner of Crown Lands should not relax in his exertions until he throws the whole of these beautiful lands open for settlement.²⁹⁸ [He] thought the House was indebted to the hon. member for Simcoe for introducing his motion.²⁹⁹

MR. ROBINSON again expressed himself willing to withdraw his motion.³⁰⁰

MR. GALT objected to its being withdrawn, as he wished to move an amendment to it. It had given him great pleasure to learn the facts as to the character of the country north of Lake Huron, and also,³⁰¹ [that] the Commissioner of Crown Lands ... had adopted the American system in connection with these lands, as it was an excellent system; but though all this information was exceedingly interesting to the House and the country, yet³⁰² it must have occurred to the house, that the manner in which that sort of information was communicated from time to time on address and enquiry was exceedingly unsatisfactory to the country. There ought to be a statement laid before the house at a fixed period of the year, from which all those facts might be ascertained in regard to surveys, the progress of settlement, &c. He would move in amendment, —

“That it is the opinion of this house, that the Commissioner of Crown Lands should submit to this house a statement of the affairs of the department of public lands within 15 days of the opening of each session.”³⁰³

MR. RANKIN was desirous, before the motion was withdrawn, of offering a few remarks upon some facts which had come to his knowledge connected with the survey in question, and the very valuable lands which would be found along the shores of Lake Huron, and he trusted that the Government would adopt a very different course to which had hitherto been obtained in connection with the survey and opening out of the Crown Lands of the Province³⁰⁴. There was a great deal of valuable agricultural land at present lying idle, which might be turned to good account by the Crown Land Department, if a reduction was made in the price of those lands.³⁰⁵ [He] expressed the hope that when the lands in question were thrown into the market, the terms would be such as to hold out to settlers inducements compensating for the want of easy accessibility, as compared with other tracts of land in this country and the United States.³⁰⁶ Mr. R. then proceeded with his facts, which are much the same as given by some other speakers, and concluded with expressing a hope that the action of the Government in the present case would be marked with somewhat more liberality.³⁰⁷

MR. SICOTTE the SPEAKER, before putting Mr. Galt's amendment, asked if it was the pleasure of the House that Mr. Robinson should be allowed to withdraw his motion.³⁰⁸

MR. GALT objected to the motion being withdrawn. He desired the opportunity of having his amendment put.³⁰⁹

MR. J.S. MACDONALD suggested that the honorable member for Sherbrooke should place it as a motion before the House.³¹⁰

MR. GALT was quite willing to do so.³¹¹

MR. COM. CR. LANDS CAUCHON said, that it was his intention, at as early a period as possible, to come down to the house with a report as soon as the situation of the land could be known from the survey,³¹² not only of the operations of one year, but showing the progress of settlement for several years.³¹³ But he found that it was impossible always to get materials, wherewith to make his report. Nevertheless, he would do all that could be done³¹⁴, and there was no need of a motion on the subject, as no time would be lost in furnishing to the house the information sought.³¹⁵

MR. GALT, in consequence of what the Commissioner of Crown Lands had stated, would withdraw his motion.³¹⁶

After some further conversation, Mr. Robinson's motion was withdrawn, and Mr. Galt's amendment allowed to stand as a notice.³¹⁷

[WITHDRAWN MOTION RE: ORDERS OF THE DAY.]

MR. GALT moved that whenever a debate arising out of the consideration of any subject appearing as a "Notice of Motion," shall be adjourned prior to the amendment of the House, such debate shall be resumed on the next mee[ting] of the House as the first "Notice of Motion," and shall not be entered as upon the orders of the day.³¹⁸

The motion was opposed by Ministers, and after a short discussion it was withdrawn.³¹⁹

Footnotes

1. *Globe*, 10 April 1856.
2. *Toronto Daily Leader*, 10 April 1856.
3. *Montreal Gazette*, 11 April 1856.
4. *Toronto Daily Leader*, 10 April 1856.
5. *Ibid.*
6. *Montreal Gazette*, 11 April 1856.
7. *Montreal Gazette*, 11 April 1856. This newspaper does not specify whether this speech was made by Mr. J.S. Macdonald or by Mr. J.A. Macdonald.
8. *Montreal Gazette*, 11 April 1856.
9. *Toronto Daily Leader*, 10 April 1856.
10. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
11. *Toronto Daily Leader*, 10 April 1856.
12. *Ibid.*
13. *Ibid.*
14. *Ibid.*
15. *Ibid.*
16. *Montreal Gazette*, 11 April 1856.
17. *Toronto Daily Leader*, 10 April 1856.
18. *Globe*, 10 April 1856.
19. *Montreal Gazette*, 11 April 1856.
20. *Hamilton Spectator Semi-Weekly*, 12 April 1856. *Globe*, 10 April 1856, specifies that Mr. Cameron is the Chairman of the Private Bills Committee.
21. *Toronto Daily Leader*, 10 April 1856.

22. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
23. *Ibid.*
24. *Toronto Daily Leader*, 10 April 1856.
25. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
26. *Ibid.*
27. *Toronto Daily Leader*, 10 April 1856.
28. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
29. *Ibid.*
30. *Toronto Daily Leader*, 10 April 1856.
31. *Montreal Gazette*, 11 April 1856.
32. *Toronto Daily Leader*, 10 April 1856.
33. *Montreal Gazette*, 11 April 1856.
34. *Globe*, 10 April 1856.
35. *Montreal Gazette*, 11 April 1856.
36. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
37. *Ibid.*
38. *Ibid.*
39. *Toronto Daily Leader*, 10 April 1856.
40. *Montreal Gazette*, 11 April 1856.
41. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
42. *Ibid.*
43. *Toronto Daily Leader*, 10 April 1856.
44. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
45. *Hamilton Spectator Semi-Weekly*, 12 April 1856. This statement contradicts Mr. Holton's former explanations, to the effect that the Bank would "be allowed to charge only one-half per cent on these transactions."
46. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
47. *Ibid.*
48. *Toronto Daily Leader*, 10 April 1856.
49. *Ibid.*
50. *Ibid.*
51. *Toronto Daily Leader*, 10 April 1856, reports that the Printing Committee's 10th report was withdrawn, on the motion of Mr. J.S. Macdonald. No other newspaper reports this information. Furthermore, the report will be concurred in on Thursday, 10 April 1856 (see page 1263).
52. *Toronto Daily Leader*, 10 April 1856.
53. *Globe*, 10 April 1856.
54. *Ibid.*
55. *Ibid.*
56. *Ibid.*
57. *Toronto Daily Leader*, 10 April 1856.
58. *Ibid.*
59. *Ibid.*
60. *Globe*, 10 April 1856.
61. *Toronto Daily Leader*, 10 April 1856.
62. *Ibid.*
63. *Ibid.*
64. *Ibid.*
65. *Ibid.*
66. *Ibid.*
67. *Ibid.*
68. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
69. *Toronto Daily Leader*, 10 April 1856, reports that Mr. Cameron's Bill "was founded on the same principles as his observations to the House the other night", referring to this gentleman's remarks during a debate on Mr. Laberge's Bill for the Independence of the Legislative Assembly (see 31 March 1856, footnote 999).

Mackenzie's Weekly Message, 25 April 1856, reports the following description of the Bill: "It provides, that any person who shall directly or indirectly, himself or by any person in trust for him or for his use or benefit or on his account, undertake, execute, hold or enjoy, in whole or part, any contract or agreement, made or entered into with the Crown, or

with any department or officer of the Government for or on account of the public service, shall be incapable of being elected, or of sitting or voting as a Member of the Legislative Assembly during the time that he shall execute, hold or enjoy any such contract or agreement, or any part or share thereof, or any benefit or emolument arising therefrom.

"2. If any Member of the Assembly shall accept from the Crown any office or employment of profit or emolument of a temporary nature, not paid by any annual or stated salary, his election shall be and is hereby declared to be void, and a new writ shall issue for a new election, as if such person were dead; but such person shall be capable of being again elected, as if his seat had not become vacant.

"3. If any Member of the Assembly shall, before the passing of this Act, have accepted any such office or employment, of profit or emolument, the duties of which shall not have been completed, and shall not resign the same, or transmit a written declaration to the Secretary of Canada, that he will not receive any profit therefore, within one month, the seat of such member shall be declared void as if he were dead, but he may be re-elected.

"4. This Act shall not repeal any part of any Act now in force for securing the Independence of the Assembly."

70. *Globe*, 10 April 1856, specifies that this Bill provides "for the payment of the expenses to be incurred for copies of Acts registered in the different Registry Offices, to be furnished to the new Counties, and to provide that such expenses shall be defrayed by all the proprietors within the limits of the Counties as they at present exist, and not by those of the new Counties only." *Toronto Daily Leader*, 10 April 1856, differs from the *Journals* and reports that the Bill was "ordered to be read a second time on Thursday".
71. *Globe*, 10 April 1856.
72. *Ibid.*
73. *Montreal Gazette*, 11 April 1856.
74. *Toronto Daily Leader*, 10 April 1856.
75. *Montreal Gazette*, 11 April 1856.
76. *Toronto Daily Leader*, 10 April 1856.
77. *Ibid.*
78. *Ibid.*
79. *Globe*, 10 April 1856.
80. *Toronto Daily Leader*, 10 April 1856.
81. *Ibid.*
82. *Ibid.*
83. *Toronto Daily Leader*, 10 April 1856. This excerpt was taken from a synopsis report.
84. *Toronto Daily Leader*, 10 April 1856.
85. *Globe*, 10 April 1856.
86. *Toronto Daily Leader*, 10 April 1856.
87. *Ibid.*
88. *Ibid.*
89. *Ibid.*
90. *Ibid.*
91. *Globe*, 10 April 1856, differs from the *Journals* and from *Toronto Daily Leader*, 10 April 1856, and reports that the second reading was ordered for "Thursday next".
92. *Toronto Daily Leader*, 10 April 1856.
93. *Globe*, 10 April 1856.
94. *Ibid.*
95. *Toronto Daily Leader*, 10 April 1856.
96. *Ibid.*
97. *Globe*, 10 April 1856.
98. *Toronto Daily Leader*, 10 April 1856.
99. *Globe*, 10 April 1856.
100. *Ibid.*
101. *Ibid.*
102. *Ibid.*
103. *Ibid.*
104. *Ibid.*
105. *Montreal Gazette*, 11 April 1856.
106. *Globe*, 10 April 1856.
107. *Toronto Daily Leader*, 10 April 1856.
108. *Ibid.*

109. *Toronto Daily Leader*, 10 April 1856.
110. *Ibid.*
111. *Ibid.*
112. *Ibid.*
113. *Ibid.*
114. *Ibid.*
115. *Globe*, 10 April 1856.
116. *Toronto Daily Leader*, 10 April 1856.
117. *Globe*, 10 April 1856.
118. *Toronto Daily Leader*, 10 April 1856.
119. *Ibid.*
120. *Ibid.*
121. *Ibid.*
122. *Ibid.*
123. *Ibid.*
124. *Globe*, 10 April 1856.
125. *Ibid.*
126. *Toronto Daily Leader*, 10 April 1856.
127. *Ibid.*
128. *Ibid.*
129. *Ibid.*
130. *Ibid.*
131. *Globe*, 10 April 1856.
132. *Montreal Gazette*, 11 April 1856. All newspapers reporting this speech differ from one another in their transcription of this statement. *Globe*, 10 April 1856, reports the gentleman argued that "it was said generally out of doors that the fact of the Inspector General and other members of the Government being on the direction had enabled the Company to gain facilities which the Legislature never gave them." *Toronto Daily Leader*, 10 April 1856, on the contrary, reports he said that "there was nothing unreasonable in their asking information about this, because it is said, that the Inspector General and other gentlemen have not enabled that company to get the facilities they had a right to expect from the legislature of last session."
133. *Globe*, 10 April 1856.
134. *Ibid.*
135. *Toronto Daily Leader*, 10 April 1856.
136. *Globe*, 10 April 1856.
137. *Toronto Daily Leader*, 10 April 1856.
138. *Globe*, 10 April 1856.
139. *Toronto Daily Leader*, 10 April 1856.
140. *Ibid.*
141. *Globe*, 10 April 1856.
142. *Toronto Daily Leader*, 10 April 1856.
143. *Ibid.*
144. *Ibid.*
145. *Globe*, 10 April 1856.
146. *Montreal Gazette*, 11 April 1856.
147. *Toronto Daily Leader*, 10 April 1856.
148. *Montreal Gazette*, 11 April 1856.
149. *Toronto Daily Leader*, 10 April 1856.
150. *Ibid.*
151. *Ibid.*
152. *Montreal Gazette*, 11 April 1856.
153. *Toronto Daily Leader*, 10 April 1856. *Hamilton Spectator Semi-Weekly*, 12 April 1856, reports a short commentary regarding Mr. Brown's allusion to Mr. S. Smith as "a mere *claqueur*," stating that "the inference to be drawn from the application of the term to Mr. Smith is, that, according to Mr. Brown's notion of things, he is hired to applaud the Government."
154. *Globe*, 10 April 1856.
155. *Ibid.*
156. *Ibid.*

157. *Toronto Daily Leader*, 10 April 1856.
158. *Globe*, 10 April 1856.
159. *Toronto Daily Leader*, 10 April 1856.
160. *Globe*, 10 April 1856.
161. *Toronto Daily Leader*, 10 April 1856.
162. *Globe*, 10 April 1856.
163. *Toronto Daily Leader*, 10 April 1856.
164. *Globe*, 10 April 1856.
165. *Ibid.*
166. *Ibid.*
167. *Ibid.*
168. *Ibid.*
169. *Ibid.*
170. *Toronto Daily Leader*, 10 April 1856.
171. *Globe*, 10 April 1856.
172. *Ibid.*
173. *Montreal Gazette*, 11 April 1856.
174. *Globe*, 10 April 1856.
175. *Morning Chronicle*, 17 April 1856.
176. *Globe*, 10 April 1856.
177. *Ibid.*
178. *Ibid.*
179. *Ibid.*
180. *Montreal Gazette*, 11 April 1856.
181. *Globe*, 10 April 1856.
182. *Montreal Gazette*, 11 April 1856.
183. *Globe*, 10 April 1856.
184. *Ibid.*
185. *Montreal Gazette*, 11 April 1856.
186. *Globe*, 10 April 1856.
187. *Ibid.*
188. *Montreal Gazette*, 11 April 1856.
189. *Globe*, 10 April 1856.
190. *Montreal Gazette*, 11 April 1856.
191. *Globe*, 10 April 1856.
192. *Ibid.*
193. *Montreal Gazette*, 11 April 1856.
194. *Globe*, 10 April 1856.
195. *Montreal Gazette*, 11 April 1856.
196. *Globe*, 10 April 1856. *Montreal Gazette*, 11 April 1856, reports a similar statement, and then notes that "the remainder of the hon. member's remarks we could not make out."
197. *Montreal Gazette*, 11 April 1856.
198. *Montreal Gazette*, 11 April 1856. *Toronto Daily Leader*, 10 April 1856, does not provide a verbatim report of this discussion, but rather summarizes it in the following manner: "A discussion of a similar nature to the preceding, resulted on this motion, in regard to the necessity of getting the reports of these Engineers as well as their names — as it had been stated that the contractors had departed in several [sic] instances from the terms of their contract, and with the consent of the House the hon. member for Halton added to his motion the words, 'and the reports of said Engineers,' and the motion was carried without a division."
199. *Globe*, 10 April 1856.
200. *Montreal Gazette*, 11 April 1856.
201. *Globe*, 10 April 1856.
202. *Montreal Gazette*, 11 April 1856.
203. *Globe*, 10 April 1856.
204. *Ibid.*
205. *Montreal Gazette*, 11 April 1856.
206. *Globe*, 10 April 1856.

207. *Montreal Gazette*, 11 April 1856.
208. *Toronto Daily Leader*, 10 April 1856.
209. *Montreal Gazette*, 11 April 1856.
210. *Toronto Daily Leader*, 10 April 1856.
211. *Montreal Gazette*, 11 April 1856.
212. *Globe*, 10 April 1856.
213. *Montreal Gazette*, 11 April 1856.
214. *Ibid.*
215. *Toronto Daily Leader*, 10 April 1856.
216. *Montreal Gazette*, 11 April 1856.
217. *Toronto Daily Leader*, 10 April 1856.
218. *Montreal Gazette*, 10 April 1856.
219. *Ibid.*
220. *Toronto Daily Leader*, 10 April 1856.
221. *Ibid.*
222. *Montreal Gazette*, 11 April 1856.
223. *Toronto Daily Leader*, 10 April 1856.
224. *Montreal Gazette*, 11 April 1856.
225. *Ibid.*
226. *Toronto Daily Leader*, 10 April 1856.
227. *Montreal Gazette*, 11 April 1856.
228. *Ibid.*
229. *Toronto Daily Leader*, 10 April 1856.
230. *Globe*, 10 April 1856.
231. *Montreal Gazette*, 11 April 1856.
232. *Ibid.*
233. *Ibid.*
234. *Globe*, 10 April 1856.
235. *Montreal Gazette*, 11 April 1856.
236. *Globe*, 10 April 1856.
237. *Montreal Gazette*, 11 April 1856.
238. *Globe*, 10 April 1856.
239. *Montreal Gazette*, 11 April 1856.
240. *Toronto Daily Leader*, 10 April 1856.
241. *Ibid.*
242. *Ibid.*
243. *Globe*, 10 April 1856.
244. *Toronto Daily Leader*, 10 April 1856.
245. *Ibid.*
246. *Ibid.*
247. *Ibid.*
248. *Toronto Daily Leader*, 10 April 1856. *Mackenzie's Weekly Message*, 11 April 1856, reports a short comment which seems to have been written by Mr. Mackenzie himself, stating that "Mr. Aikins opposed it, because Mr. C. could not agree that the bill should contain a clause referring the matter to the vote of a majority of the rate-payers. I voted for introducing it, but will not continue to support it if I find that such a clause is rejected by the House. The people are the proper judges in this local matter."
249. *Telegraph (Montreal Gazette)*, 12 April 1856.
250. *Toronto Daily Leader*, 10 April 1856.
251. *Ibid.*
252. *Globe*, 10 April 1856.
253. *Toronto Daily Leader*, 10 April 1856.
254. *Ibid.*
255. *Telegraph (Montreal Gazette)*, 12 April 1856.
256. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
257. *Globe*, 10 April 1856.
258. *Toronto Daily Leader*, 10 April 1856.

259. *Toronto Daily Leader*, 10 April 1856.
260. *Globe*, 10 April 1856.
261. According to *Toronto Daily Leader*, 10 April 1856, and *Globe*, 10 April 1856, the House adjourned at midnight.
262. *Globe*, 10 April 1856.
263. *Ibid.*
264. *Ibid.*
265. *Ibid.*
266. *Ibid.*
267. *Ibid.*
268. *Ibid.*
269. *Ibid.*
270. *Ibid.*
271. *Ibid.*
272. *Ibid.*
273. *Toronto Daily Leader*, 10 April 1856.
274. *Globe*, 10 April 1856. Telegraph (*Montreal Gazette*, 12 April 1856), concurs with this newspaper and reports that the enquiry was answered by Mr. Cartier.
275. *Globe*, 10 April 1856.
276. *Ibid.*
277. *Ibid.*
278. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
279. *Toronto Daily Leader*, 10 April 1856.
280. *Globe*, 10 April 1856.
281. *Toronto Daily Leader*, 10 April 1856.
282. *Globe*, 10 April 1856.
283. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
284. *Montreal Gazette*, 11 April 1856.
285. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
286. *Montreal Gazette*, 11 April 1856.
287. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
288. *Ibid.*
289. *Montreal Gazette*, 11 April 1856. This newspaper does not specify whether this speech was made by Mr. A. Dorion or Mr. J. Dorion.
290. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
291. *Montreal Gazette*, 11 April 1856.
292. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
293. *Hamilton Spectator Semi-Weekly*, 12 April 1856. *Globe*, 11 April 1856, in a commentary, reports that "in answer to a question put to them on Wednesday evening, the Government admitted the truth of the rumour, that Mr. Gowan had been appointed Commissioner to enquire into the affairs of Mr. Clarke, Crown Land Agent for Huron." It then notes that "great indignation is expressed by a portion of the Ministerial press at the choice of the Government," and comments on this appointment.
294. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
295. *Globe*, 10 April 1856.
296. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
297. *Globe*, 10 April 1856.
298. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
299. *Toronto Daily Leader*, 10 April 1856.
300. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
301. *Globe*, 10 April 1856.
302. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
303. *Globe*, 10 April 1856.
304. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
305. *Toronto Daily Leader*, 10 April 1856.
306. *Globe*, 10 April 1856.
307. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
308. *Globe*, 10 April 1856.

309. *Globe*, 10 April 1856.
310. *Toronto Daily Leader*, 10 April 1856.
311. *Ibid.*
312. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
313. *Globe*, 10 April 1856.
314. *Toronto Daily Leader*, 10 April 1856.
315. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
316. *Toronto Daily Leader*, 10 April 1856.
317. *Globe*, 10 April 1856.
318. *Toronto Daily Leader*, 10 April 1856.
319. *Ibid.*

THURSDAY, 10 APRIL 1856

(278)

THE following Petitions were severally brought up, and laid on the table: —

By Mr. *Terrill*, — The Petition of the *Stanstead* Library Association and Mechanics' Institute; the Petition of the *Cassville* High School; the Petition of the *Stanstead* Seminary; and the Petition of *C.A. Richardson* and others, of the County of *Stanstead*.

By Mr. *Roblin*, — The Petition of the Trustees of the *Newburg* Academy.

By Mr. *Fergusson*, — The Petition of *Charles Allan*, Warden of the County of *Wellington*.

By Mr. *Munro*, — Two Petitions of the Municipality of the Township of *Darlington*.

By Mr. *Larwill*, — The Petition of *L.H. Johnson* and others, of the Village of *Wallaceburgh* and vicinity, of the Township of *Sombra*; and the Petition of *W.C. Taylor* and others, of the Municipalities of *Camden* and *Zone*.

By Mr. *Hartman*, — The Petition of *John Hawkins* and others, of the County of *York* and *Peel*; the Petition of *John Brown* and others, of the Township of *King*; the Petition of Mrs. *Harriet Nichols* and others, of the Township of *Westmeath*, County of *Renfrew*; the Petition of *M.M. Drew* and others, of the Township of *Westmeath*, County of *Renfrew*; the Petition of *H.D. Stiles* and others, of the Township of *East Gwillimbury*, County of *York*; the Petition of *John Cuthbertson* and others, of the Township of *East Gwillimbury*; the Petition of *Martin Taylor* and others, of the Township of *East Gwillimbury*; the Petition of the Municipality of the Township of *Etobicoke*; the Petition of *Adam Duffus* and others, of the Township of *King*; and the Petition of *Douglas Laidlaw* and others, of the Village of *Holland Landing*.

By Mr. *Sidney Smith*, — The Petition of *Robert Armour*, of *Bowmanville*, County of *Durham*.

By Mr. *Foley*, — The Petition of *A.S. Barber* and others, Bailiffs of Division Courts in *Upper Canada*.

By Mr. *Cook*, — The Petition of the Township of *North Norwich*; and the Petition of *John Calvert* and others, of the Township of *South Norwich*.

By Mr. *Bowes*, — The Petition of *Peter Kernen* and others, of the Township of *Emily*.

By Mr. *Wright*, — The Petition of *Henry Miller* and others, of the Townships of *Markham* and *Vaughan*; and the Petition of *John Laing* and others, of *Scarborough*.

By Mr. *Wilson*, — The Petition of *Walter Simson* and others, of the City of *London*.

By the Honorable Mr. Attorney General *Macdonald*, — The Petition of the Municipality of the Township of *Whitby*; the Petition of the Venerable *George Okill Stuart* and others, of the City of *Kingston*; the Petition of the *Frontenac* Division of the Sons of Temperance; and the Petition of *Joseph Hanna* and others, of the Township of *Osgoode*.

By Mr. *Daly*, — The Petition of the Provisional Directors of the *Stratford* and *Huron* Railway Company.

Pursuant to the Order of the day, the following Petitions were read: —

Of *David McClelland* and others, of the County of *Peel*; of *James Clarke* and others, of the County of *Peel*; and of *John Vanruyck* and others, of the County of *Peel*; praying that the County of *Peel* may be separated from the County of *York*.

Of *Benjamin Thornton* and others, of *West Oxford*; and of *William P. Hutton* and others, of *St. Mary's*; praying for the passing of a Prohibitory Liquor Law.

Of *Freeborn Kee* and others, of the Township of *Wallace*; praying that a free grant of Lots numbers one and two, in the ninth Concession of the Township of *Wallace*, may be given to *Charles Cowan*.

Of *David McKendrick* and others, of the Village of *Penetangore*; praying that if any Legislative enactment should pass to separate the Counties of *Huron* and *Bruce*, a clause may be introduced in the Bill to enable the Municipal Council of the County of *Bruce*, after the separation, to choose the County Town.

Of the Municipality of the Townships of *Logan*, *Elma*, and *Wallace*; praying for aid to open out a Road.

(279)

Of the Reverend *Thomas Macpherson* and others, of *Stratford*, County of *Perth*; praying for the abolition of Sunday labor in the Post Office Department, and on the *St. Lawrence* Canals.

Of *James W. Skelton* and others, of the City of *Toronto*; praying for the passing of an Act to prevent the taking of Fish at improper seasons, in the Lakes, Rivers, and Streams, in *Upper Canada*.

Of *Thomas Wycott* and others, Bailiffs of Division Courts in *Upper Canada*; praying that the Tariff of Fees allowed them may be increased.

Of *Josiah Watson* and others, of the City of *London*; and of *Charles Lindsay* and others, of the City of *London*; praying for the repeal of the Separate School Act.

Of *Wolfred Nelson*, late Mayor, and others, of the City of *Montreal*; praying for certain amendments to the Customs Duties Act.

Mr. *Fergusson*, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Fifth Report of the said Committee; which was read, as followeth: —

Your Committee have examined the Bill to amend the provisions of the several Acts for the incorporation of the City of *Montreal*, and have agreed to certain amendments, which they beg to submit for the consideration of Your Honorable House.

Mr. *Joseph Curran Morrison*, from the Select Committee appointed to inquire into the cause of the failure of Justice (if any) in the case of the Queen *v. Kelly* and others, tried in the month of February last, before the Criminal Court at *Quebec*, and into the origin of the disturbances which have recently occurred at *St. Sylvester*, and other references, presented to the House the Report of the said Committee; which was read, as followeth: —

Your Committee having no authority to examine witnesses under oath, and being of opinion that any investigation of the matters involved in the reference to Your Committee will fail to satisfy the public mind, unless of a most thorough and searching character, and carried on without the delay and inconvenience that must necessarily occur, if the witnesses are summoned to attend in *Toronto* at this season of the year, beg leave to recommend that a Statutable Commission shall be issued by the Government to three Commissioners, to inquire into all the circumstances out of which the death of the late *Robert Corrigan* arose, the proceedings taken against the persons charged with the murder, the manner in which the Trial of *Kelly* and others was conducted, and the causes, if any, of the failure of Justice thereat, and generally to make all inquiries that may tend to remove any obstacles that may be in the way of a due and proper administration of criminal justice in the locality where the offence was committed.

(280)

Mr. *Joseph Curran Morrison*, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the First Report of the said Committee; which was read, as followeth: —

Your Committee have examined the Bill to incorporate the *Buffalo* and Lake *Huron* Railway Company, and for other purposes, referred to them, and have agreed to several amendments, which they have the honor to submit for the consideration of Your Honorable House, with the Proceedings of the Committee in relation thereto.

Your Committee have also examined the Bill to extend the line of the *Port Dalhousie* and *Thorold* Railway Company, referred to them, and have agreed to report the same with an amendment.

For the Proceedings of the Committee on the first of the said Bills, see Appendix (No. 13.)

Ordered, That the Bill to incorporate the *Buffalo* and Lake *Huron* Railway Company, and for other purposes, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for To-morrow.

MR. BROWN moved that the bill, as amended, be printed¹.

After a short discussion, [the motion] was ... agreed to.²

(280)

Ordered, That two hundred and fifty copies of the said Bill, as amended, be printed for the use of the Members of this House.

Ordered, That the Bill to extend the line of the *Port Dalhousie* and *Thorold* Railway Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for Monday next.

On motion of Mr. *Stevenson*, seconded by Mr. *Terrill*,

Resolved, That this House doth concur in the Tenth Report of the Standing Committee on Printing.

The Honorable Mr. *Cameron* reported from the Select Committee on the Bill for the suppression of Lotteries, That the Committee had gone through the Bill, and made amendments thereunto.

[On motion of] MR. CAMERON³,

(280) *Ordered*, That the Bill and Report be committed to a Committee of the whole House, for Monday next.

On motion of MR. HOLTON,⁴

(280) The House, according to Order, again resolved itself into a Committee on the Bill to amend and consolidate the several Acts incorporating and relating to the Bank of *Montreal*;

MR. CRAWFORD was called to the chair.⁵

MR. HOLTON said that as he had stated yesterday, the great majority of the clauses contained in this act were mere transcripts of the clauses in existence. The hon. gentleman then moved the adoption of the first clause.⁶

The succeeding twenty-one clause[s] were then adopted without discussion.⁷

MR. HOLTON then moved the adoption of the twenty-second clause. Its object was, he stated, to fix the maximum rate of banking exchange at one-half per cent.; in fact, to remove any doubt that might exist as to the power of the bank to charge its present rate of commission. The clause was as follows: —

XXII. The bank may allow and pay interest, not exceeding the legal rate in this Province, upon moneys deposited in the bank; and, in discounting promissory notes, bills, or other negotiable securities or paper, may receive or retain the discount thereon at the time of discounting or negotiating the same; and when notes, bills, or other negotiable securities or paper are payable within the Province, at a place different from that at which they are discounted, the bank may also, in addition to the discount, make a charge not exceeding one-half per centum on the amount of every such note, bill, or other negotiable security or paper, to defray the expenses of agency and exchange attending the collection of every such note, bill, or other negotiable security or paper; and on the protest of any note, bill, or other negotiable security held by the bank, it shall be competent to the bank to charge the amount of such note, bill or security, with the interest accrued and expenses incurred, to the deposit account at the bank, or any party thereto; any law, statute or usage to the contrary notwithstanding.⁸

MR. SOL. GEN. H. SMITH objected to the clause. The effect of it was to allow the Bank to charge 6½ per cent. discount. He knew that the Banks were in the habit of making their paper payable at other offices, just to enable them to make this charge.⁹ On presenting a note at a bank in Toronto, for instance, they would be told, we will discount your note but it must be made payable at Montreal.¹⁰ He did not think the house should lend itself to the legalizing of such a proceeding. With six per cent. the Banks were quite able to pay a good dividend.¹¹ He also objected to granting the Bank the power of charging the amount of a note against the deposit amount of an endorser.¹²

MR. CAMERON contended that the view taken by the Solicitor General was incorrect, inasmuch as the banks had this power already. The power of charging the note against the maker and endorser was already in existence. He thought it perfectly clear that it was much better that the powers possessed by banking institutions should be distinctly stated and defined¹³ in their charters¹⁴ — [than] that the public should be allowed to draw so largely on its imagination, in reference to the liabilities of banks, and their right to charge this one-half per cent. The hon. gentleman then mentioned a recent law suit arising out of the uncertainty which existed as to the right of a bank to charge this exchange, in which the jury rendered a verdict which was against all law and the facts of the case. But the Court immediately set it aside¹⁵ [and] expressed their opinion in favour of ... [the exchange]. Was it not better that as the power existed, it should be distinctly laid down, that the law might be read to jurors, and thus save expense in many cases.¹⁶

MR. GALT concurred in the remarks of his hon. friend from Toronto,¹⁷ [and] thought it right that the bank should have the privilege of making the usual commercial charge for collecting the amounts on paper at various places.¹⁸ But [he] could not agree with him in believing that the Banks should have the power of charging a note when the party who made it failed to meet it when it fell due. To insert such a clause in the bank charter, might be to destroy the credit of the endorser. And he trusted the House would not grant such a power.¹⁹

MR. J. SMITH was in favour of allowing the bank to charge exchange of a half per cent. But he was opposed to allowing them immediately on any paper being protested, to charge the amount to any party whose name was on it, whether as maker or drawer, or accommodation endorser.²⁰

MR. SOL. GEN. D. ROSS thought the last section of the clause conferred a dangerous power on the banking institutions of the Province.²¹

MR. HOLTON expressed his willingness to strike out the latter part of the clause, enabling the bank to charge the amount against the deposit account of the endorser.²²

The concluding section of the clause, after the word "payable" was then struck out.²³

MR. MERRITT said that the legalizing of this half per cent. was a very important matter. It was in effect raising the rate of interest from six to eight per cent. and it was only certain banks that would benefit by it. He would oppose the Usury Law, if it was only to benefit the brokers and not the banks. He thought the rate of interest should be raised to seven per cent; if the Usury measure passed, he would vote for this clause. But if it did not pass, he would be opposed to it. The house was placed in a difficult position in the matter, on account of the Usury measure not having been brought forward by the government.²⁴

MR. BOWES contended that it would be much better to allow the banks their one-half per cent. than to deprive the commercial community of the benefit they now derive from banking agencies.²⁵

MR. LARWILL ... [was] in favor of the clause as it stood amended.²⁶

MR. GAMBLE did not object to banks being allowed to charge a half per cent. for negotiating paper at places different from where it was issued.²⁷ It had been charged in almost all the Provincial banking institutions since their establishment.²⁸ It was a power they already had and should be made clearer. But he considered the latter part of the clause, which had been amended might be still further amended. He desired that banks should not have the power of charging against deposit accounts, the amount of protested paper, whether payable at their own establishments or elsewhere.²⁹

MR. S. SMITH (Northumberland) was not sure but that by the construction of this clause, the banks were empowered to charge eighteen, instead of six per cent. As the clause was now worded, the one half per cent. might be charged in a ten day bill, or a thirty-day bill. On a bill having a month to run or under, one-eighth per cent. might be charged; for two months or under, one-fourth, and so on. In that way, the banks would have a maximum rate of seven-and-a-half per cent.³⁰

MR. HOLTON said that the remarks of the hon. member for Lincoln were based on the fallacy that the agency charge was pure profit. He overlooked the fact that exchanges ruled more against one part of the Province than another. All that was required was a commission that would cover the difference in the value of money at different points, and be a compensation for the trouble of collecting.³¹

MR. S. SMITH held that it was just a cloak for charging extra interest.³² [He] explained that he held it to be just that the bank should charge extra interest at its agencies; and merely wished to guard against allowing an exorbitant rate of interest.³³

MR. ROBINSON would not object to the clause, even if that were its whole object.³⁴ If the banks did not get this power they could give a great deal of trouble to the public. In fact, if this clause were not enacted, the public would be the sufferers and not the banks.³⁵

MR. INSP. GEN. CAYLEY contended that the hon. member for Northumberland, was incorrect in his views. These agencies were established for the purpose of offering facilities to those parties engaged in transactions with the banks; and he could not see any reason why the banks should not be authorised to charge such a rate of exchange as that proposed. He thought that the monetary pressure now complained of, from one end of the Province to the other, evidenced that the present rate of banking interest was not equal to the value of the money. If such were not the case, how was it that all classes seemed less disposed to invest their money in banking institutions than elsewhere? He was aware of one banking institution in this country which had invested all its capital in foreign securities. Under these circumstances he would vote for that clause.³⁶

MR. J.S. MACDONALD thought there was a great deal to recommend the clause now asked for. The banks exercised the power at present, and it was better to have it limited by legislation, than leave it undefined.³⁷ [He] would remind hon. gentlemen, that if this power were given to the banks, to collect more than six per cent., it would go to the credit of the parties interested in the banks. He saw great difficulties on both sides of the question — on the part of the banks, if this law were not enacted, and on the part of the public, if it were.³⁸

MR. YOUNG believed that the value of money was regulated in the market like that of any other commodity. The banks were dependent on the public, as much as the public on the banks. And there was a limit beyond which the bank could not go, or the trader would find accommodation elsewhere. He could not see any reasonable objection to the clause now before the house.³⁹

MR. HOLTON, to meet the objection of the member for South York (Mr. Gamble), inserted the words "and payable at," between "held by" and "the bank."⁴⁰

A Message from the Legislative Council was announced, at this stage of the proceedings..., [after which] the debate was resumed⁴¹.

MR. MACKENZIE ... was opposed to giving the banks power to charge the one-half per cent at their agencies. Such a law had never been enacted in Canada — nor, indeed, in any other country.⁴² He thought it would be better to have county banks, than 30 or 40 agencies of a few large institutions scattered over the country.⁴³ The honorable gentleman then stated that if a committee of the House

were appointed to inquire into this matter, he was able to prove that in many cases these banking agencies were most improperly managed, and their accounts scarcely ever balanced.⁴⁴

MR. PROV. SEC. CARTIER said that the assertion of the honorable member for Haldimand, that this law had never been passed in Canada, was incorrect. The honorable gentleman supported his statement by reading an act which had been enacted in Lower Canada, authorizing banking institutions to charge one per cent as exchange.⁴⁵

MR. MERRITT concurred in the remarks of the honorable member for Northumberland, as to the power which the bill gave banks to charge this $\frac{1}{2}$ per cent. every thirty days if they chose, or even at shorter periods. He would therefore move an amendment, to add the words, "having not less than ninety days to run" to make the clause to read; "and when notes, bills, or other negotiable securities having not less than ninety days to run, the bank may charge $\frac{1}{2}$ per cent on the amount, &c." He would have no objection to allow banks to charge 8 per cent — but he did not like the system of unlimited per centage.⁴⁶

MR. HOLTON said that the principle upon which the hon. member for Lincoln founded his remarks was a false one, because it assumed that money was of the same value at all the different places of the Province where this Bank had its agencies, and also that the course of exchange created no difficulty. The object of that clause in the bill was to cover any difference that might be in the market value of the money at the different places; and to defray the cost of those agencies which were established for the public benefit — for if they did not exist, a much greater charge would be made upon the public for the negotiation of securities.⁴⁷

MR. MERRITT denied that he assumed anything of the kind, but at the same time considered it necessary that some such stipulation should be made.⁴⁸

MR. BROWN approved of the clause as it stood. He considered that it would be for the protection of the public that there should be such a clause restricting the Banks from charging more than $\frac{1}{2}$ per cent., and he was certain that no man of business would say that $\frac{1}{2}$ per cent. was too much for negotiating 60 days' paper.⁴⁹

[The] amendment ... was carried by 43 to 33.⁵⁰

On the question of the adoption of the clause as amended⁵¹,

MR. SOL. GEN. H. SMITH expressed strongly his objections to the whole clause, because no other bank in the Province had any such power as that conferred by this clause, and because the banks already had power enough.⁵²

The clause was negatived by 50 to 43.⁵³

The twenty-third clause was adopted without amendment.⁵⁴

A discussion arose on the 24th clause, which makes bank notes payable at the place of date.⁵⁵

MR. YOUNG moved an amendment to the effect that bank notes should be made payable at every agency where they were issued.⁵⁶

MR. HOLTON said it had been suggested that that point should come up on the general Bill, brought up by the member for Laprairie. If that Bill fell through, it would be unfair to apply to the Montreal Bank a principle which was not applied to all the Banks.⁵⁷

MR. YOUNG expressed his willingness to withdraw his amendment.⁵⁸

MR. FREEMAN thought the best course was to introduce the correct principle into this Bill, and then if the general Bill passed, it could be applied to all banks. He moved that the words "bear date" be struck out, and "be issued," substituted, and that the following words be added "and all such notes and bills shall bear date at the place where they are issued."⁵⁹

MR. YOUNG thought the position taken up by his hon. colleague was the correct one, that the question should be decided on the general Bill, his hon. friend being in favour of the principle of that Bill.⁶⁰

After some further conversation,⁶¹

MR. HOLTON, in order to get the Bill through, said he was willing to accept the amendment of the hon. member for Wentworth.⁶²

The clause, as amended, was then adopted.⁶³

Clauses 25 to 28 were [then] adopted⁶⁴ without amendment⁶⁵.

While discussing the 29th clause, ... MR. CRAWFORD announced that it was six o'clock.⁶⁶

After the recess, the Committee resumed, MR. MACKENZIE in the chair.⁶⁷

The remaining clauses of the Bill were got through without discussion.⁶⁸

MR. HARTMAN moved an addition to Schedule B, with the view of requiring a more full monthly statement from the Bank of its liabilities and assets. Instead of the item "Notes and Bills discounted or other debts due to the Bank, not included under the foregoing heads," he proposed to substitute "Notes and Bills discounted not yet due; notes and bills discounted past due; other debts not yet due; other debts past due; notes and bills, as above, endorsed by directors; other debts, as above, secured by directors."⁶⁹

The amendment was negatived.⁷⁰

The preamble also was adopted, and the Committee rose and reported the Bill, as amended.⁷¹

(280) and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Crawford* reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received To-morrow.

The Honorable Mr. *Cartier*, one of Her Majesty's Executive Council, presenten [sic], pursuant to Addresses to His Excellency the Governor General, — Return to that part of an Address from the Legislative Assembly to His Excellency the Governor General, dated the 28th February last, praying His Excellency to cause to be laid before the House, a Return shewing the amount of the Fund realized or to be realized from the sales of Clergy Reserve Lands already made, and the quantity of Lands called Clergy Reserves remaining unsold on the 31st day of December last, in each section of the Province.

For the said Return, see Appendix (No. 35.)

(281) Return to an Address from the Legislative Assembly of the 28th February last, for Statement of the Expenses attending the arrest of sundry persons lately tried for the murder in *St. Sylvestre de Lotbinière*, and other information therein solicited.

For the said Return, see Appendix (No. 42.)

The Honorable Mr. *Cartier* also laid before the House, by command of His Excellency the Governor General, — Report by the Department of Public Works relative to the probable cost of erecting Public Buildings for Parliamentary and other purposes in the Cities of *Montreal*, *Quebec*, *Toronto*, *Kingston*, and *Ottawa*, respectively, pursuant to an Order in Council, of 19th March, 1856.⁷²

Department of Public Works,
3rd April, 1856.

Sir, — I have the honor to acknowledge the receipt of a copy of an Order in Council, of the 19th ultimo, based upon a Resolution of the House of Assembly, and directing that “the Commissioners of Public Works be instructed to produce, within the least possible delay, Estimates for the erection of the necessary Public Buildings at the Cities of *Montreal*, *Quebec*, *Toronto*, *Kingston* and *Ottawa*.” “That for this purpose reference be made to the Estimates already made for Public Buildings at *Toronto* and elsewhere, to establish the probable difference of the cost of construction of similar Buildings at *Montreal*, *Quebec*, *Kingston* and *Ottawa*”; and also, “that it should be stated what are the Grounds and Buildings belonging to the Government, or about to be transferred to the Government, which may be made available in each of the Cities above named, for the accommodation of the Government and Legislature.”

Upon receipt of this Order, no time was lost in giving the necessary instructions to the proper officer to collect all the information in the office upon the subject, and to prepare the Estimates called for.

From the Report of Mr. *Rubidge*, the officer referred to, the following may be taken as the result of his calculations; and from the careful manner they have been made in, I am of opinion they may be considered as near the truth as can be, under the circumstances.

The only Plans and Estimates in the office, for Buildings of the class immediately under consideration, are those furnished by Messrs. *Cumberland* and *Storm* in 1854; but on referring to them, it was found they would not form a safe basis for the Estimates now called for. Within the last year, Plans and Estimates for various Public Buildings in several parts of the Province have been furnished to the Department by some of the principal Architects; and by calculating the respective cubic quantities in each, in connection with the amount of the Estimate, it is found in fifteen of such Estimates, the rate per cubic foot varies from 5d. to 9d., and that of twelve of the principal of them, the average rate is 6¼; — 6d. per foot is assumed therefore as a safely approximating rate, on which to base the amount of outlay required.

The Estimate of Messrs. *Cumberland* and *Storm* was as follows: —

Parliament Buildings	£ 51592	0	0
Department Offices	49553	0	0
Government House and Offices	21600	0	0
	£122745	0	0
Lodges, Barracks, Guard-House, Fencing, Road-making, Planting Grounds, Drainage	11000	0	0
	£ 133745	0	0

On calculating the rate per cubic foot, which this Estimate would give, it is found to be but 3¾d. The cost, therefore, is taken as under-estimated, whether as compared with the average rate already stated, or with the cost of other Public Buildings lately erected under this Department.

Increasing the rate per cubic foot of the cost of the Buildings, as planned by Messrs. *Cumberland* and *Storm*, from 3¾d. to 6d. per foot, the Estimate would stand thus:

Parliament Buildings	£ 85393	0	0
Department Offices	82018	0	0
Government House and Offices	35752	0	0
	£203163	0	0
Lodges, Barracks, Guard-House, Fencing, Road-making, Planting Grounds, Drainage	11000	0	0
	£ 214163	0	0

To this amount should be added, in my opinion, the cost of erecting those Buildings on the modern fire-proof principles, now generally adopted in *England*. The Province has already unfortunately been a severe sufferer in the destruction of Records and property by fire.

Estimate as above	£ 214163	0	0
Add for Fire-proof erection, say	35000	0	0
For general Drainage and Sewerage, introduction of Gas, Water, Heating and Ventilation	25000	0	0
	£274163	0	0
Add 10 per cent. Contingencies and Superintendence	27416	0	0
	£301579	0	0

From the foregoing it will be seen that the sum calculated to be required to cover the cost of properly constructing the Buildings, may be taken at £300,000 on round numbers. In them is of course embraced all the accommodation necessary, including a capacious Library, with suitable provision for Picture Gallery, Museum of Fine Arts, Geology, &c., &c.

The second point to which the Order in Council refers, is the comparison of cost of erecting the required Buildings in the several sites enumerated. On this I would observe, that there is not, in my opinion, such a difference in the prices of material, balancing one class with another, or in the rate of wages, and in the greater facilities or otherwise of carrying on the works, as would make any important difference to the Province, whether the Contractors had to erect the Buildings at one site or the other.

The third and last point requires "a Report as to what Grounds and Buildings belonging to the Government, or about to be transferred to the Government, which may be made available in each of the Cities above-named for the accommodation of the Government and Legislature."

At *Toronto*, — There are no such accommodations of a permanent description; the arrangements now existing for the Governor General, the Legislature, and a portion of the Public Departments, on property belonging to the Province might serve for some time to come; the other Public Departments must in such case be provided for, as at present, by leasing suitable premises. There is a fine site within the City limits available for the erection of the Buildings contemplated.

At *Kingston*, — There are no Buildings belonging to the Government available; but there is a fine site on the Public Grounds known as the *Murney* property.

At *Ottawa*, — There are no Public Buildings available; but I believe on the transfer of the Ordnance property, the Province will be in possession of a fine site whereon to erect the necessary Buildings, if so decided on.

At *Montreal*, — There are no Buildings belonging to the Province available. There is a valuable Provincial property on *Notre Dame* Street, not suitable, in my judgment, as a site for the several Buildings contemplated; but if sold, the proceeds would be sufficient to purchase a proper site.

At *Quebec*, — There are no Buildings belonging to the Province that may be considered available; the only one being the old Chateau. A very fine site has been acquired without the walls for the required Buildings; but it might be a question deserving consideration, in the event of this City being fixed on, whether it would not be more expedient to appropriate the property known as the Jesuits' Barracks, to a site for the Public Offices, &c. The Legislative Buildings to stand on their old ground, and Governor's residence to be on or near the Government Garden.

I have the honor to be, Sir,

Your very obedient Servant,

Hamilton H. Killaly,

Assistant Commissioner Public Works.

The Honorable *George E. Cartier*,
Provincial Secretary.

[On motion of] MR. PROV. SEC. CARTIER⁷³,

(283)

Ordered, That the Rule of this House be suspended as regards the Printing of the said Report.

Ordered, That the said Report be printed for the use of the Members of this House.

A Message from the Legislative Council, by *John Fennings Taylor*, Esquire, one of the Masters in Chancery: —

Mr. Speaker,

The Legislative Council have passed a Bill, intituled, "An Act to facilitate private Settlements between Insolvent Debtors and their Creditors," to which they desire the concurrence of this House.

And then he withdrew.

A Bill from the Legislative Council, intituled, "An Act to facilitate private Settlements between Insolvent Debtors and their Creditors," was read for the first time.

On motion of Mr. *Alley*, seconded by Mr. *Casault*,

Ordered, That the Bill be read a second time on Monday next.

On motion of MR. CAMERON,⁷⁴

(283)

The House, according to Order, resolved itself into a Committee on the Bill to amend and consolidate the Acts of Incorporation of the Commercial Bank of the Midland District;

MR. CAMERON stated that he would only ask the adoption of those clauses, the principle of which had already been affirmed in reference to the Bill of the Bank of Montreal. The other clauses, likely to raise discussion, he intended to reserve.⁷⁵

MR. MACKENZIE objected to the fourth clause.⁷⁶ [He] attacked the present system of Bank Legislation, and suggested to the Government whether they should not introduce one general measure to regulate the whole subject of money lending.⁷⁷

MR. HOLTON said that the hon. member for Haldimand would consult the wishes of the House, if he withdrew his motion.⁷⁸

MR. MACKENZIE objected to several of the clauses. He condemned the proposed system and the system at present working. He moved that the twenty-ninth clause be amended to read — the amount of discounts to Directors to be limited to one-twentieth of the whole.⁷⁹

Several clauses of the bill were read..., one of them being slightly amended.⁸⁰

The Committee then rose⁸¹.

(283)

and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Angus Morrison* reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again To-morrow.

On motion of MR. PROV. SEC. CARTIER,⁸²

(283)

A Bill to explain and amend the Charter of the City Bank, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. *Cartier* do carry the Bill to the Legislative Council, and desire their concurrence.

On motion of MR. MUNRO,⁸³

(284)

A Bill to increase the Capital Stock of the *Port Darlington* Harbour Company, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. *Munro* do carry the Bill to the Legislative Council, and desire their concurrence.

The House proceeded to take into further consideration the Amendment which was moved on Wednesday, the second instant, to the proposed Amendment to the Question, That with a view to the abolition of the Rectories of *Upper Canada*, and the ultimate restoration of the Rectory Lands to the People of *Upper Canada*, it is expedient to repeal the third section of the Statute 14 & 15 *Vic. cap. 175*, which is in the following words: "And be it enacted that in the event of its being judicially decided that any of such Parsonages or Rectories were erected according to law, and until a judicial decision shall be obtained on such question, the right of presenting an Incumbent or Minister to such Parsonage or Rectory shall vest in and be exercised by the Church Society of the Church of *England* Diocese within which the same shall be situated, or in such other person or persons, bodies politic or corporate, as such Church Society, by any By-Law or By-Laws to be by them from time to time passed for that purpose, shall or may think fit to direct or appoint in that behalf:"

That an humble Address be presented to the Governor General, praying His Excellency, (on the repeal of the said third section of the said Statute,) to cause the suit instituted on an Address of this House, of the 28th July, 1851, and still pending before the judicial tribunals of this country, to test whether the Rectories of *Upper Canada* were legally erected and endowed, may be stopped and discontinued;

And which proposed Amendment was "That all the words after 'That' to the end of the Question be left out, and the words 'it is inexpedient that this House should express any opinion on the subject of the Rectories until after the decision of the Courts shall be had thereon, in pursuance of the Address of this House, of the 28th July, 1851' " inserted instead thereof;

And which Amendment to the said proposed Amendment was, That the words "inexpedient that this House should express any opinion on the subject of the Rectories until after the decision of the Courts shall be had thereon, in pursuance of the Address of this House of the 28th of July, 1851" be left out, and the words "expedient to abolish the right of the Church Society of the Church of *England* to present Incumbents or Ministers to Rectories in *Upper Canada*, which may become vacant by the decease of present Incumbents; and to discontinue the suit now pending in the Court of Chancery on the subject of the said Rectories" inserted instead thereof;

MR. GAMBLE raised an objection to the question having been placed at the top of the order list, contending that it should have been at the foot.⁸⁴

MR. SICOTTE the SPEAKER read from May's Parliamentary Proceedings, to show that the course pursued was the correct one.⁸⁵

The question being put on Mr. Smith's amendment, — ⁸⁶

MR. WILSON regretted that on the present occasion, he could not act with those hon. gentlemen with whom he usually acted. In attempting to deal with this question, he considered that the present Legislature was committing a grievous wrong. At this stage of the proceedings it was not his intention to enter into a minute detail of this question. It had been very fully discussed already⁸⁷. It is proposed, sir, by an act of the Legislature, at one sweep, to abolish these Rectories. I am one who believe, that if this question were candidly stated to the country, at this moment, it would not ask a proceeding so dangerous. I should like to be able, sir, so to state this question as to present it in a clear point of view, without omitting anything, which was really material in forming a correct opinion upon it. I should like to do so, without declamation or argument, because, sir, when certain principles of natural justice, and of the Law of England, are borne in mind, the simple statement of the question is the argument for not legislating upon this matter, at this time. By the Imperial Act, 31 Geo. 3, cap. 31, giving this Province a

Constitution, it was provided that the Governor, with the advice of the Executive Council, might establish Rectories in every township, and endow them with certain lands. On several occasions rectories were established previously to 1846; but in that year, Sir John Colborne, just before his departure from the Province, created thirty-five new ones, which with those previously and since created, amounted in all to forty-four. The quantity of land granted for the endowment of these Rectories amounted to about 22,000 acres, not ex[ce]eding in value at the time \$5 an acre. The mode of granting these lands was the same as all other grants by Letters Patent. Up to the year 1850 an impression erroneously prevailed in the country, that in some undefined way, these Rectories formed a connexion between church and state. There were objections made to endowing the Church of England with lands, or indeed any other church, but the chief objection was to the supposed connexion it created between Church and State. Up to that time, it was gravely alleged, that most of these patents had been issued illegally, and to cure all, then as now, the hon. member for Niagara proposed to abolish them. For his Act, which was referred to a committee, the Act 14 and 15 Vic., chap. 175 was substituted, which became law on the 9th June, 1852, and it declared that the free exercise and enjoyment of religious profession and worship is allowed to all her Majesty's subjects, without discrimination or preference. This Act left untouched the legality or illegality of these rectories and endowments. It left the adjudication of it to the tribunals of the country, where alone it was proper to try it. Now, sir, the principles which guided the Legislature on that occasion were wise and salutary. It recognized this principle, that grants from the Crown were not to be impeached before the Legislature, but determined in her Majesty's Courts. It recognized this principle, that property was not to be divested at the will of the Legislature, without a hearing, where a hearing could be had under the solemnity of an oath, and it recognized this principle of public justice, that it abolished *that* which, if it did exist, was justly offensive — *connexion between Church and State*, or to speak more definitely, it abolished all idea of ecclesiastical jurisdiction as incident to these rectories. But, sir, the Legislature on that occasion did more; it admitted that possibly these grants were illegal, but it did not presume to adjudicate that question. It said this, if they are illegal we cannot decide the question, but we will give you the means to try it, where it ought to be tried. Accordingly on the ____ day of ____ 1851, this house passed an address for bringing to adjudication the legality of these Rectories, and pledged the country to pay the expenses. To this arrangement the contending parties assented. Soon after the passing of the Act a bill was filed charging that one of the Rectories created in 1836 was illegal, and the proceedings have been so conducted, that some time ago and before this matter was moved in, the case stood for judgment. Under these circumstances what reason is there for these resolutions? But we are told the country is impatient, and there have been unreasonable delays in bringing the cause to judgment. This may be a good cause for enquiring at whose door the guilt of delay rests, if delay there be, but it is not ground for anticipating the result by a tyrannical exercise of power, simply because we possess it. Can anything be more absurd or dangerous than for this house to exercise judicial powers? If this is the best judicial tribunal, why not abolish all the courts and assume the ermine? The bare mention of it is ludicrous! Can any one show why this Legislature should at this time take action in this matter? Have public rights been invaded, or public feeling outraged, by any assumption of Ecclesiastical Power in any of the incumbents of these Rectories? If so, proclaim it, and let the Legislature grant relief; but if not, then, sir, it were wise for us to let the law decide a question which of right belongs to it, and not to us. But, sir, another topic has been introduced into this debate, reflecting upon the court, which by law is charged with the consideration of the Rectory question in the first instance. It has been urged that the unreasonable delay in having the judgment of the Court of Chancery, and the prospective delay which may arise in carrying the cause to the Court of Appeal here, and to the Privy Council in England, forms a just ground for the interference of Parliament for abolishing these Rectories. Nay more, sir, one honourable member has gone so far as to charge, that no just decision can be had in our courts here, and another member, the Attorney General himself, has told us that the cause of delay is laid on the right shoulders. The delay, sir, lies chiefly on the shoulders of the Attorney General and his predecessors in that office. The Rectory Act, out of which the proceeding arose, was proclaimed in June 1852; the Bill in Chancery charging that the Patents creating the Rectories ... was filed in the beginning of 1853. —

The answer to the bill, setting forth the grounds on which it is alleged they are legal, was filed in March 1854. The case was argued before the court in September last, and some weeks ago it stood on a list for judgment. In all fairness, on whom does the charge of delaying these proceedings rest? The same parties who urge this question on the attention of the house, have with the Government, virtually the management of the cause. On whom I say again, does the charge of protracting the proceedings rest? Who delayed the proceedings from the passing of the Act till the bill was filed? Who delayed the proceedings between the answer and the argument? The parties and the Government. The delay of the court is from September till now, and before this discussion first commenced it stood on the list ready for judgment. If any one will look at the voluminous matters submitted to the court, at the protracted arguments of the learned Counsel, at the momentous questions involved in this decision, and lastly, at the case with which a judgment in a matter like this, with which it is well known neither party will be satisfied, and in which no compromise of claim or principle can be made, he will be satisfied that no charge of delay can be laid to the court.⁸⁸ The only wonder in the case was that it could be so far advanced in such a short time. But even if there had been delay, surely, that was no reason for abolishing these Rectories. It might, indeed, be a reason for asking a committee of enquiry into the causes of the delay; but was not, surely a sufficient reason to induce the House to abolish the Rectories. He would like to know, therefore, on what grounds the House was going to interfere in the matter. During the previous debate on this question, another topic had been mentioned, which he considered was in very bad taste. It was said, on that occasion, that little confidence could be placed in the Judges — that one learned gentleman's brother was a rector, — and all those other horrid imputations which we cannot hear with patience. Now he would say that such a charge came with a bad grace from any hon. gentleman in that House.⁸⁹ I can conceive no greater wickedness than wantonly to assail our courts and judges. Upper Canada has been peculiarly fortunate in having judges whose conduct alone, apart from their official position, has won them the respect and veneration of its people, and who, so far from being indebted to the country for their salaries and position, as has been meanly insinuated, are due a debt of gratitude from the country for holding their positions; for I make bold to say, that with less anxiety and labour at the Bar than they now devote to their official duties, they would have doubled the emolument they now receive as their salaries.⁹⁰ He hoped there would be an end to this species of insinuations. Under all the circumstances of the case, he could not for a moment see how that House could interfere with the object of sweeping away those rectories in the method proposed.⁹¹

MR. ALLEYN would not have made any remarks upon the question had the point before the House been as to the establishment of these Rectories. But the issue was, as to whether this House should interfere to take this case out of the hands of those gentlemen to whom it had been referred for adjudication.⁹² [He] did not see why the same course should not be taken by the Government upon this question as was adopted upon the Seigniorial Tenure Bill, and he thought that hon. members from Lower Canada might congratulate themselves upon the manner in which the Courts had decided on that question.⁹³ He thought this House would be a very improper tribunal to decide upon matters of fact. The judges of the land were the proper persons to decide upon this question, and from them they would have an unbiassed judgment, if such a judgment is to be got from any men. The only difficulty seems to be the delay of five years which have elapsed since this question was referred to them. But while there are many important inquiries to be made involving a necessary delay; it must be borne in mind, also, that there are no persons suffering in this matter. As the principle they had to determine was whether there had been fraud in the establishment of these Rectories, and as this House was not the proper tribunal to determine that point,⁹⁴ he would vote against this Amendment and the original motion in a constitutional point of view merely.⁹⁵

MR. LORANGER. — Cette question des cures anglicanes a été de tout temps un grand sujet de contention; et puisque la représentation Bas-canadienne est appelée à donner son vote sur la résolution qui prétend mettre fin à cette difficulté, il est bon que nous sachions ce que nous allons faire, pour ne

pas donner notre vote en aveugle. Lorsque Sir John Colborne établit ces cures, il souleva de grands mécontentements; on l'accusa d'avoir outrepasser ses pouvoirs. Et c'est pour calmer l'esprit public que la Législature renvoya en 1851 cette question épineuse devant la Cour de Chancel[lerie]. Depuis lors, faute de documents, et à cause de la difficulté qu'on a éprouvé à se procurer en Angleterre tous les renseignements nécessaires, ce grand procès n'a pas encore reçu de solution; mais l'affaire marche, de jour en jour et c'est au moment peut-être où nous sommes sur le point d'obtenir des tribunaux le jugement demandé, qu'on nous propose de revenir sur notre propre vote, de retirer aux cours les pouvoirs que nous leur avons confiés et de prendre enfin sur nous de nous prononcer sur une affaire que nous avons crue [sic] ne pas devoir aborder en 1851. Je dis que ce serait là un acte d'inconséquence et, sans vouloir préjuger en rien la légalité ou l'illégalité du droit dont est investie la société ecclésiastique, je déclare que je voterai contre la motion et tout amendement qui sera dans le même sens.⁹⁶ He trusted that Lower Canadian members would not stultify their former votes upon this question.⁹⁷

MR. CHABOT. — Je donne tout mon assentiment aux paroles que je viens d'entendre. Par notre vote de 1851, nous avons déclaré, pour ainsi dire, notre incompétence à prononcer sur la légalité ou l'illégalité du droit accordé à l'église anglicane et voilà pourquoi nous avons confié à la Cour de Chancel[lerie] le droit de se prononcer sur ce sujet. La question est sortie à présent du domaine de la législation pour entrer dans celui de la jurisprudence. Pourquoi donc vient-on nous proposer aujourd'hui de trancher la question? En savons-nous plus long sur cette affaire qu'il y a quatre ans? Pour la même raison, la Législature aurait pu enlever à la Cour Seigneuriale les pouvoirs dont elle l'avait investie. Puisqu'on a décidé que la Cour de Chancel[lerie] aurait à se prononcer sur la légalité des titres de ces cures, c'est que la Chambre ne savait pas à quoi s'en tenir; et nous, députés du Bas-Canada, sommes-nous plus éclairés aujourd'hui ou veut-on que nous votions comme de vrais automates? Quant aux retards dont on parle, s'il y en a eu[s], ils étaient peut-être inévitables; peut-être aussi devons-nous les attribuer à la Chambre elle-même qui aurait dû fixer un terme à la Cour; dans tous les cas, ils ne prouvent pas que les titres des cures soient illégaux et c'est là ce qu'on nous propose de déclarer aujourd'hui.⁹⁸

MR. PAPIN was in favour of the motion, which did not go against what was done in 1851. The government should be in a position to compel the Courts to pronounce a speedy decision. It was not the Courts who were in fault, but the government who should have placed the question before the Courts at some earlier period than the 18th of last September. Honourable members for Lower Canada should be very careful in the votes which they gave upon questions of this nature⁹⁹. [They] should ascertain the opinion of the majority of Upper Canada members upon this question before voting for it, as it was purely an Upper Canada one, and one which they could not be expected to understand so well, and should therefore not press their views upon it.¹⁰⁰ They should not show any desire to interfere with Upper Canadian Institutions, because the latter might turn round upon them at some future time and treat them in the same manner. This question ought to be settled by an Upper Canada majority.¹⁰¹

MR. J. MORRISON said there seems to be some misunderstanding as to the time this question has been before the Court of Chancery.¹⁰² No blame should be attached to the Judges of the Court of Chancery, considering that the very first time that they had the matter before them was only on the 25th of September last.¹⁰³ His hon. friend from Lambton ought to have known that. Living in the City of Toronto, he might easily have ascertained that, and he believed the hon. member for Lambton knew that. He (Mr. Morrison) had taken the trouble to enquire into the matter since last debate, and for the information of the House he would state the facts.¹⁰⁴ The presentation of these rights were placed in the Church Society — the Royal Assent was obtained to the bill in June 1852, not in 1851, as had been stated. Before that Royal Assent was given, the government took upon themselves to get the opinions of celebrated legal gentlemen in England, upon the subject of these Rectories. The gentlemen whose opinions were taken, were those of the Solicitor General of England, (Mr. Bethell), and Mr. Malins. — They were to the effect, that the acts done by Sir John Colborne for the endowment of the Rectories in

question¹⁰⁵ were beyond his authority and not sustainable by any instructions given to any succeeding Governor, and are therefore inoperative and void. That opinion was had in May, 1852, and before the Bill received the Royal Assent.¹⁰⁶ Immediately thereupon a bill was filed in the Court of Chancery, in August, 1852¹⁰⁷, not five years since as has been stated, but only about three years and a half — answers were sent in by the Rev. Mr. Grassett, the Bishop of Toronto, and the Church Society, in January 1853.¹⁰⁸ From that time down, documentary evidence was taken, and persons were sent to England upon one or two occasions, with regard to records in the Colonial Office, as to instructions given by Lord Gosford, under whom Sir John Colborne acted, and as to instructions given to Lord Aylmer.¹⁰⁹ The last statement they had was in June 1854, and the first time the Court of Chancery had it in their power to deal with it was in October last.¹¹⁰ In view of what had taken place, and the little time that the Courts had had to decide, he felt called upon to protect the Judges from any imputation of *lâches* upon their part. He had the best assurance, that in May term judgment would be given by those learned Judges. This was a matter of great importance, affecting some forty-four patents to Rectories in Upper Canada, and the evidence which had been taken in regard to them by the hon. member for Toronto (Mr. Cameron) and himself,¹¹¹ fills this large book (taking up a pretty thick octave) and hon. gentlemen would see that that evidence could not be taken in a day or two. It was necessary to go over all the despatches from the time of George the III., because the ground taken by the defence, was that the instructions given in the reign of George III. were in force at the time these Rectories were established. He would say, then, whatever apparent delay may have taken place, it is not the fault of the judges. If the hon. member for Lambton had moved for the appointment of a committee to enquire into the delay, he would not have objected to it. He thought, however, that the common sense of every hon. member would determine that a matter so nearly adjudicated upon by the Courts of Law, as to whether these patents were legal or not, that they should pause before depriving this Court of the opportunity of giving their decision.¹¹² He was quite convinced, that if hon. members were only aware of the large amount of evidence which had been taken, and the precautions used by the Crown and other parties, they would not take any unjust views of this matter. The hon. member for Napierville [Mr. Bureau] had said, the other night, that a majority of the people of Upper Canada were in favour of this measure; but he (Mr. Morrison) would ask that hon. gentleman¹¹³ if he was prepared to destroy all the Rectories established under the same Act in Lower Canada? He would ask the hon. member for Montreal (Mr. Dorion) whether he was prepared to destroy the Rectory of Montreal? If the hon. gentleman was prepared to introduce a Bill to destroy all the Rectories in Lower Canada, he would not say but he might go with him — at least if the courts of law are against their establishment — and his opinion was that the courts of law will go against them. But at the same time he thought that no opinion should [be] given by this house.¹¹⁴

MR. A. DORION, (Montreal), does the hon. member for Niagara say that the Rectories established in Lower Canada are established upon the same ground as those in Upper Canada?¹¹⁵

MR. J. MORRISON said that the Rectory of Montreal was established by act of parliament for the same purpose, but giving wider ecclesiastical authority.¹¹⁶ He had no doubt that these Rectories were properly established in Lower Canada under the Act of 1791, and that they are legal; but he did not look upon those created in Upper Canada as being so.¹¹⁷ What he contended for was, that they ought to wait until they got the decision from the judges. He wished to know whether his hon. friend from Lambton was aware of any Rectories being established in Lower Canada, and if he was prepared to abolish these?¹¹⁸

MR. BROWN. — I will answer my hon. friend by and by.¹¹⁹

MR. J. MORRISON. — If, as a matter of State policy, they are to destroy these Rectories in Upper Canada — they ought to destroy the Lower Canada ones as well. He was of opinion that Sir John Colborne had no right to establish these Rectories, and he was of opinion that the Court of

Chancery would so decide. He would warn Lower Canada members to think before they vote to destroy these Rectories, whether legal or illegal, because¹²⁰ then they must take the risk of destroying other ecclesiastical corporations.¹²¹ (Hear, hear.) He had a strong feeling against ecclesiastical corporations. (Hear, hear, and laughter.) He voted against the present Bill. He voted against the Church Temporalities Bill, and had voted against all ecclesiastical corporations.¹²² After the opinion of the Courts had been received, it was the time for hon. members to take what course they thought best. (Hear, hear.)¹²³ But if the Rectories are to be abolished in Upper Canada, they must be abolished in Lower Canada, and he would watch gentlemen from Lower Canada [to see] whether they would vote to abolish corporations, whether they know these to be legal or illegal. With regard to Lower Canada, he would say that he had always had a great respect for Lower Canada; for no part of the world had people in religious matters been more tolerant than in Lower Canada. Mr. Christie in his history shows that in Lower Canada, while an independent Province, with an overwhelming majority of Roman Catholics, [they] extended to all other religions the greatest toleration, a toleration even greater than that of England itself, — for in the Statute Book they had even admitted Jews to sit in Parliament.¹²⁴ (Hear, hear.)¹²⁵ But to return to the present motion — he believed the only object of the motion was to embarrass the present Government. (Hear, hear.) It had been the fashion in Upper Canada legislation for some hon. member year after year to bring forward some motion in regard to the rectories, with a view to embarrass the Government of the day — and this motion of the hon. member was the same sort, a motion simply for embarrassment. He believed the hon. member had no idea of his motion being carried.¹²⁶

MR. BROWN. — You are mistaken.¹²⁷

[MR. J. MORRISON continued:] He [Mr. Brown] no doubt thought that their votes upon this question would affect their position before their constituents at any future election.¹²⁸

MR. BROWN said — No doubt of that.¹²⁹

MR. J. MORRISON would tell the hon. gentleman opposite that the people watched such party motions as this, and they understood them as well those who bring them in. Under these circumstances he wished that hon. members would see the propriety of voting for his amendment which pledged them to nothing, but simply declared that it was inexpedient to express any opinion on this subject at the present time. The hon. member for Lambton expressed himself strongly against sectional legislation.¹³⁰ If the Courts of Law were to be of opinion that these patents are legal, and the hon. member for Lambton's motion prevailed, he trusted that the hon. gentleman would amend his motion, so as to include all the patents in Lower Canada.¹³¹

MR. BROWN. — My hon. friend from Niagara has made an earnest appeal to the house, but I am sure that if hon. members had only heard the appeal of my hon. friend in 1851 from the opposite point of view, they would have been quite carried away with his argument, and would have felt that it was far more powerful than that which he has presented to-night. My hon. friend says that he is sure I have brought this resolution forward, in order to embarrass the Government. But I assure him I could not be so cruel; they have quite enough embarrassment already on hand. (Hear, hear.) And the hon. gentleman must recollect that I am only following in his own footsteps; that the resolutions which he let fall in 1851, I took up in 1852, 1853, 1854, 1855, and now in 1856 — that in fact I am but his successor in this motion. And he must recollect that I have always taken precisely the same ground that he did, and which the Reform party of Upper Canada have always taken.¹³²

MR. J. MORRISON. — But the difficulty is this, the house ordered the law-suit.¹³³

MR. BROWN. — That does not alter the principle of the question in the slightest degree. And the position we take up is assented to by almost every Reform member in the house. There is scarcely

a member who has come here as a Reformer, who has not committed and pledged himself to my resolution, and you could not go to a single county in Upper Canada without finding all the liberals in favour of it. The abolition of the Rectories has long been one of the test questions of the Reform party of Upper Canada. (Hear, hear.) Before proceeding to answer the several arguments presented in opposition to my motion, I will answer my hon. friend from Niagara in regard to the Lower Canada Rectories, and well he knows that this is a different case altogether. As I understand it, those Lower Canada Rectories were established in every case by a special Patent, conveying the lands to the church authorities, and individual rights have grown up under them.¹³⁴

MR. J. MORRISON. — So they have here.¹³⁵

MR. BROWN. — My hon. friend held very different views formerly. He held that no individual rights existed here. But the Lower Canada Rectories are in an entirely different position. If my hon. friend, however, will take up the ground he took in 1851, and will bring in a resolution or bill as before to overturn the three or four Rectories existing in Lower Canada, and if he can show that they stand on the same ground as these do, that it would be good public policy to have them overthrown, and that it can be done — then I will go with him. But my hon. friend endeavours to frighten away some of the Lower Canada gentlemen who intend to vote for the resolution, by saying that it will affect the property of their ecclesiastical corporations. Now, that was not exactly fair, for the hon. gentleman knows that the position is very different. Does he not know that for 10 or 12 years the argument he and I have always presented to the country is that the Rectors have not the slightest title? — And that was the fallacy of the hon. member for London, who spoke as if my motion went to destroy some admitted legal title established under patents from the Crown. But that is not the position we take up. It is this. We say there was a certain public establishment created by act of Parliament, and that certain lands were set aside to be appurtenant to it; but that no individual right whatever was given by the act. We do not ask the house to interfere with the patents, or any rights established under them with the rights of the Rectors, or the rights of the church, or any other rights. All we ask is that the house shall repeal the third clause of the statute, 14th and 15th Victoria, chapter 175. We let the Rectors keep their patents, and if they can make any gain from them we leave them at liberty to obtain it.¹³⁶

MR. J. MORRISON. — But if you repeal those clauses what do you do with the Lower Canada Rectories?¹³⁷

MR. BROWN. — I am not speaking at all of the Lower Canada Rectories. I am speaking exclusively of the Upper Canada Rectories, and the hon. gentleman will find that it is at them my resolution is entirely aimed. I will be ready at any time to meet the other case. I will now go on to consider as briefly as possible the different arguments which have been presented against my resolution. We have had them presented in three different shapes. In the first place, the hon. member for Toronto, who goes against the whole thing, says that the church of England has acquired rights which we cannot disturb, and which we have no right to disturb, and he is opposed to all action whatever. Then we had the argument raised by my hon. friend from London, by the Attorney General, and by my hon. and learned friend, the member for Wentworth, who take a middle ground. Thes[e] say, “this is a very grave matter. There are either rights under these patents, or there are not. The Court of Chancery is the proper place to decide as to that. There you should leave it. It is not for Parliament to meddle in it at all. It is beyond our jurisdiction.” The third class is represented by my hon. friend from Niagara, who says, “If I had had my will I would not have allowed this law-suit to go on. But now it has commenced and gone a certain length, we had better let it get to a conclusion. Let the Chancery Court give their decision. Then let the case go to the Privy Council — let it go the whole round of the courts,” nearly as much money being spent on it as the Rectories, perhaps, are worth, the country paying the expenses on both sides. “Then,” says my hon. friend, “after these courts have given their decision, it will be quite time for us to decide whether we shall proceed to act as a Legislature.” Now the ground I take is one

independent of all these arguments. I say we have no occasion to go to the Law Courts at all. (Hear, hear.) It was never intended to be otherwise, and is not otherwise than a legislative question, a thing that we, the Parliament of Canada, have expressly given to us the power to legislate upon, a power that never has been taken away from us.¹³⁸ As to the argument that these lands being granted to the Rectories by Patent, they could not be taken from the Rectories, he would say that in point of fact, no Patents had been issued for these [sic] lands. The only instrument issued were documents [sic] under the Great Seal. The object of the bill introduced by his hon. friend from Niagara, was that the incumbents should retain possession of their lands during their lifetime, but, on their decease, the Governor General being unable to nominate a successor to the deceased, the lands would revert to the Crown — from which they had been fraudulently obtained. Now, he would like to know, if a previous legislature had the power to take this power out of the hands of the Governor General and vest it in the Church Society; had not the present legislature the right to take the power out of the hands of the Church Society, and re-vest it in the Governor [sic] General? It was unjust to charge hon. gentlemen voting for this motion, with attempting to subvert legal rights; for he would maintain those Patents had been unjustly and fraudulently obtained. The question was, should they still go on spending their money in keeping up a law suit, when they could settle the matter themselves? He hoped the House would at once put an end to such practice.¹³⁹

MR. CAMERON thought that the hon. member for Lambton had adopted a strange mode of proceeding when he admitted that the Incumbents would not be disturbed during their lives; and yet he says that the question should be urged forward now. Why not allow the suits to be taken? Why not await for the proper legal accision [sic] which would be laid before the House when it was ready.¹⁴⁰ It was clear there was no necessity to put a termination to the proceedings pending, without obtaining a legal decision. The hon. gentleman proceeded at some length to animadvert on the principal points of Mr. Brown's speech. He adverted more particularly to his observations on the Privy Council, and stated his views and estimate of the wisdom and uprightness of that body to be altogether opposite to those of the member for Lambton. That hon. member had avowed his confidence in the uprightness of the Court of Chancery here; on what grounds could he impeach that of the great luminaries of the law, who formed the judicial part of the Privy Council of England? The hon. gentleman then went into the argument as to the delay alleged to have taken place in the conducting of the case, and stated succinctly the several steps which had of necessity to be taken to bring it to its present position. He dwelt emphatically on the preparation of the case as exhibited in the voluminous statement now submitted to the Court of Chancery, embracing more than 300 pages, and which consisted, in great part, of documents which had to be sought for in England. They had now brought the cause to a hearing, and he believed that judgment would be pronounced upon it in May of this year. He then observed upon the ground formerly taken on this question, and which he insisted these documents went triumphantly to disprove, that the grants were obtained by fraud, and declared that the object of the clergy in their endeavours to procure the suit was really to satisfy themselves as well as the public whether this was the case or not. As to the people, he insisted that this was the sole ground on which they had demanded to have the patents destroyed.¹⁴¹ The country did not want those rights if they were to be obtained by fraud; and he, for one, would be willing to give them up, if they were acquired by fraud or deceit. But these patents were based on strictly legal grounds, and those legal rights made those patents ours.¹⁴² He urged that the hon. member ... [Mr. Brown] destroyed his own argument when he maintained that the rectors had not legal rights, and yet wished to put an end to the suit, which, if the case were so, would infallib[ly] establish that fact. Adverting to Mr. Brown's remark that his object in annulling the Rectories was to sweep away the last remnant of church statism, he observed that there was now no room for that. The case was entirely altered from what it was in those days. The State churchism had been destroyed by Act of Parliament when it had taken the appointment to the Rectories from the Crown and vested it in the Bishop. The Church Society was now acting under the very authority of that Act, and the appointments lay in a corporate body. He easily conceded that Acts of Parliament were made to repeal former Acts,

but if not only the clause contended for, but all the clauses of the Act alluded to, were repealed, it would not stop the rights of the Rectors. If that were done, the right would revert to the Crown; but if, after the period of six months, the Crown did not present, the presentation would come back to the Bishop, so that they would be in exactly the same position they were in now. He insisted that nothing could change the rights of the Rectories once established; they became an incontrovertible fact, and claimed their rights by the common law of England. The member for Lambton said — “Let the Rectors take their patents, and themselves try their rights in the Court of Chancery.” The Church of England asked for no more than the legal establishment of their rights, if proved — and this was what they sought by the suit now pending. He repeated that, if it could be proved that these Rectories had been founded in fraud — of course, the present possessors were innocent of that — still, if such had been the case, neither they nor he for them desired to retain them. Let them be for ever swept away, and no one would rejoice more in their abolition than himself. If not, let it not be said, in a country where all religions were equally respected by the law, that the Province was at war with a Church upon the question of rights, which that Church itself was earnest to press to adjudication.¹⁴³ The consequence in this case would be very serious, and the House should pause before it sustained any act such as that proposed by the hon. member for Lambton.¹⁴⁴

MR. ROBLIN said he was compelled to dissent from the sentiments expressed by the hon. member for Lambton. He had never understood that it was intended by those members who took the hon. mover’s course on this question, to leave the Rectories to the incumbents during their lives. He could not himself, as a Reformer, subscribe to that doctrine. The hon. member made some further remarks on the alleged delay, which, he appeared to think, was now fully explained by the last speaker¹⁴⁵.

MR. A. DORION vindicated his right as a member of Parliament, to state his opinion upon the question of the rights of these rectories in Upper as well as in Lower Canada. The question was of two parts. First, were these rectories created according to law, and without fraud. This was the point which the Court of Chancery alone could act upon. The second part of the question, which was a question for the Legislature, was — whether it is for the public weal that they should continue to exist. Now he insisted upon it, that a grant made to a Corporation could be re-called by the Legislature, and the Corporation itself destroyed so soon as it should appear that it did not accomplish the object for which it was created. Private rights which might have been thereby acquired ought, of course, to be respected; but where grants were made for religious, as for educational purposes, the grant was only good as long as the object was accomplished for which the grant itself was made.¹⁴⁶ In illustration he instanced the fact that a large quantity of land had been given in Lower Canada for the purpose of education. That appropriation might be withdrawn, if it was thought proper to do so. In like manner, although it was years since deemed proper to set apart lands for the support of religion, that land might be withdrawn now¹⁴⁷. It was, he was quite clear, competent to the Legislature, if the people of the country felt that it no longer fulfilled its original design, to annul the grant. If, from change in the circumstances or feeling of the country, the people felt that they no further needed it; if they should say, “the different religious associations of the country are now able to provide for their own worship without this aid, and it is desirable that they should,” then it may certainly be legally withheld by Parliament. It would scarcely be denied that they had the right to annul the grants made for the purposes of education; and if so, how could it be doubted that they had the right to do so in regard to the Rectories? Was it because there was any distinction between these and the other grants? But they had dealt with such rights last session in the disposal they had made of the Cler[g]y Reserves.¹⁴⁸ The Clergy Reserve[s] Bill was exactly the same kind of question, and the same class of arguments existed against their secularization.¹⁴⁹ He stated, in opposition to the hon. member for Toronto, that this question did not rest on the imputation of fraud; but that no corporation, created for the benefit of the people, could claim to exist longer than the people felt it to be beneficial to them¹⁵⁰. He did not say that the Rectories had ceased to be necessary for the object for which they had been created. But the vast majority of the people of Upper Canada were

anxious for their abolition,¹⁵¹ and it would be the duty of the Legislature to recall the grant, and to dissolve the corporation so soon as it was felt to be no longer wanted. Now he knew that the people of Lower Canada had said that this clause ought to be repealed. He did not of himself know the mind of Upper Canada upon the subject, but he was very sure that the majority of the people in the Lower Province would go far for the annulment, so long as it violated no principle of private right. The principle, however, was, in no respect, applicable to Lower Canada. As to the argument of the hon. member for Niagara, he would affirm that 880,000 out of the population of Lower Canada did not know of any other Rectories than those of Upper Canada. There was but a single one in the Lower Province that he himself was acquainted with, and this was created simply for the purpose of erecting a church. Now as to that he would not say, "Pull down the church and sell the lot." There was no necessity for such extreme measures. They must have a church. But these rectories were a very different affair. The grant thus protested against was for revenue. An hon. member had recommended Lower Canadian members to pause before they gave their vote in favour of the abrogation of this clause. He had given his full attention to the subject, and for the reasons he had stated he was prepared to sustain the member for Lambton in the right he claimed, and upon full consideration, in the measure he proposed in the exercise of that right.¹⁵²

MR. DUFRESNE. — Je remercie l'hon. membre pour l'Assomption [Mr. Papin] de nous avoir donné gratis un conseil qu'il estime salulaire. Mais il me semble que lorsqu'on pose publiquement un principe, en honneur on est tenu de le suivre, ou du moins de feindre de le respecter. Mais voici l'hon. député qui nous conseille, par respect pour les sentiments des Haut-Canadiens de voter avec la majorité de ces derniers, et qui, tout aussitôt, nous déclare qu'il est viré et déjà décidé à voter en faveur de la motion; et cela, M. l'Orateur, sans savoir si cette motion sera ou ne sera pas dans les goûts de la majorité haute-canadienne. C'est là une étrange anomalie.

Quant à moi, M. l'Orateur, sans m'[a]ssurer si la majorité de Haut-Canada est en faveur de la motion, sans consulter l'opinion publique à cet égard, je déclare que je voterai contre la motion et tous les amendements votés dans le même sens, parce que je ne me fais l'esclave d'aucun parti ni d'aucune considération et que ma conscience me dit que puisque la Chambre a confié cette cause aux tribunaux, il serait ridicule et outrageant d'anticiper leur sentence.¹⁵³

MR. PROV. SEC. CARTIER. — Je pense que l'hon. député de Montréal n'a pas parfaitement compris la question, en comparant entr'elles les Réserves du Clergé et les Cures protestantes, ou plutôt en les confondant. Ces dernières ont été érigées en vertu d'un acte spécial, dotées; elles ont des droits acquis, tandis que les Réserves du Clergé n'étaient que des biens mis à part pour être donnés un jour. Aussi, j'espère que ceux des membres du Bas-Canada dont la foi ordonne [sic] de respecter les droits acquis voteront avec moi contre la motion et le premier amendement.¹⁵⁴

MR. BROWN said that he had a right to close the debate. He did not mean to make a speech, he merely wished to state his intentions of voting for the amendment of the hon. member for Northumberland, as it embodied the principle of his motion.¹⁵⁵

MR. SICOTTE the SPEAKER then put the amendment of the hon. member for Northumberland (Mr. Smith)¹⁵⁶.

(284)

And the Question being put on the Amendment to the said proposed Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs Aikins, Bell, Biggar, Bourassa, Brown, Bureau, Christie, Conger, Cook, Charles Daoust, Darche, Delong, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Fergusson, Ferrie, Foley, Frazer, Galt, Gould, Hartman, Holton, Jackson, John S. Macdonald, Mackenzie, Matheson, Mattice, Munro, Papin, Patrick, Prévost, Scatcherd, Sidney Smith, Southwick, Wright, and Young. — (37.)

(285)

NAYS.

Messieurs *Alleyn, Bowes, Brodeur, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Cooke, Crawford, Crysler, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Freeman, Gamble, Guévremont, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Lyon, Macbeth, Attorney General Macdonald, Roderick McDonald, McCann, Masson, Mongenais, Joseph C. Morrison, Angus Morrison, Murney, Poulin, Pouliot, Powell, Price, Rankin, Rhodes, Robinson, Roblin, Solicitor General Ross, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Taché, Terrill, Thibaudeau, Turcotte, Whitney, and Wilson.* — (69.)

So it passed in the Negative.

And the Question being put on the Amendment to the original Question; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Alleyn, Bowes, Brodeur, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Cooke, Crawford, Crysler, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Freeman, Gamble, Guévremont, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Lyon, Macbeth, Attorney General Macdonald, Roderick McDonald, McCann, Masson, Mongenais, Joseph C. Morrison, Angus Morrison, Murney, Poulin, Pouliot, Powell, Price, Rankin, Rhodes, Robinson, Roblin, Solicitor General Ross, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Taché, Terrill, Thibaudeau, Turcotte, Whitney, and Wilson.* — (69.)

NAYS.

Messieurs *Aikins, Bell, Biggar, Bourassa, Brown, Bureau, Christie, Conger, Cook, Charles Daoust, Darche, Delong, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Fergusson, Ferrie, Foley, Frazer, Galt, Gould, Hartman, Holton, John S. Macdonald, Mackenzie, Marchildon, Matheson, Mattice, Munro, Papin, Patrick, Prévost, Scatcherd, Sidney Smith, Southwick, Wright, and Young.* — (37.)

So it was resolved in the Affirmative.

(286)

Then the main Question, so amended, being put;

Resolved, That it is inexpedient that this House should express any opinion on the subject of the Rectories until after the decision of the Courts shall be had thereon, in pursuance of the Address of this House, of the 28th July, 1851.

Then on motion of Mr. Solicitor General *Smith*, seconded by Mr. *Casault*,
The House adjourned.¹⁵⁷

Footnotes

1. *Globe*, 11 April 1856.
2. *Ibid.*
3. *Toronto Daily Leader*, 11 April 1856.
4. *Globe*, 11 April 1856.
5. *Toronto Daily Leader*, 11 April 1856.
6. *Ibid.*
7. *Ibid.*
8. *Ibid.*
9. *Globe*, 11 April 1856.
10. *Toronto Daily Leader*, 11 April 1856.
11. *Globe*, 11 April 1856.

12. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
13. *Toronto Daily Leader*, 11 April 1856.
14. *Globe*, 11 April 1856.
15. *Toronto Daily Leader*, 11 April 1856.
16. *Globe*, 11 April 1856.
17. *Toronto Daily Leader*, 11 April 1856.
18. *Globe*, 11 April 1856.
19. *Toronto Daily Leader*, 11 April 1856.
20. *Globe*, 11 April 1856.
21. *Toronto Daily Leader*, 11 April 1856. *Globe*, 11 April 1856, does not report this speech, but mentions that there was "some further discussion".
22. *Globe*, 11 April 1856.
23. *Toronto Daily Leader*, 11 April 1856.
24. *Globe*, 11 April 1856.
25. *Toronto Daily Leader*, 11 April 1856.
26. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
27. *Globe*, 11 April 1856.
28. *Toronto Daily Leader*, 11 April 1856.
29. *Globe*, 11 April 1856.
30. *Toronto Daily Leader*, 11 April 1856.
31. *Globe*, 11 April 1856.
32. *Ibid.*
33. *Toronto Daily Leader*, 11 April 1856.
34. *Globe*, 11 April 1856.
35. *Toronto Daily Leader*, 11 April 1856.
36. *Ibid.*
37. *Globe*, 11 April 1856.
38. *Toronto Daily Leader*, 11 April 1856.
39. *Globe*, 11 April 1856.
40. *Ibid.*
41. *Toronto Daily Leader*, 11 April 1856. This message is reported in the *Journals*, page (283) 1270.
42. *Toronto Daily Leader*, 11 April 1856.
43. *Globe*, 11 April 1856.
44. *Toronto Daily Leader*, 11 April 1856.
45. *Ibid.*
46. *Ibid.*
47. *Ibid.*
48. *Ibid.*
49. *Ibid.*
50. *Globe*, 11 April 1856.
51. *Toronto Daily Leader*, 11 April 1856.
52. *Toronto Daily Leader*, 11 April 1856. *Globe*, 11 April 1856, does not report this speech, but mentions that there was "some further discussion".
53. *Globe*, 11 April 1856. This newspaper also reports the text of the clause "as finally negatived and struck out": "The bank may allow and pay interest, not exceeding the legal rate in this Province, upon monies deposited in the bank; and, in discounting promissory notes, bills, or other negotiable securities or paper, may receive or retain the discount thereon at the time of discounting or negotiating the same; and when notes, bills, or other negotiable securities or paper, having not less than 90 days to run, are payable within the province, at a place different from that at which they are discounted, the bank may also, in addition to the discount, make a charge not exceeding one half per centum on the amount of every such note, bill, or other negotiable security or paper, to defray the expenses of agency and exchange attending the collection of every such note, bill, or other negotiable security or paper, and the bank may charge any note or bill held by and payable at the bank, or made payable at the bank, against the deposit account of the maker of such note, or the acceptor of such bill, at the maturity thereof; any law, statute or usage to the contrary notwithstanding."
- La Minerve*, 19 April 1856, reports that the clause was rejected after a long conversation.
54. *Toronto Daily Leader*, 11 April 1856.
55. *Globe*, 11 April 1856.
56. *Ibid.*

57. *Globe*, 11 April 1856.
58. *Ibid.*
59. *Ibid.*
60. *Ibid.*
61. *Ibid.*
62. *Ibid.*
63. *Globe*, 11 April 1856. *Toronto Daily Leader*, 11 April 1856, reports the text of the 24th clause, as amended: "The notes and bills of the Bank made payable to order, or to bearer, and intended for general circulation, whether the same shall issue from the chief place or seat of business of the Bank in the city of Montreal or from any of the Branches or Agencies, shall be payable on demand, in specie, at the place at which they shall respectively be issued; and all such bills and notes shall bear date at the place where they are issued; and a suspension of payment on demand, in specie, at any such place, of any such notes or bills of the Bank, shall, if the time of suspension extend to sixty days, consecutively or at intervals within any twelve consecutive months, operate as, and be a forfeiture of the Incorporation, and of all the privileges of the Incorporation of the Bank."
64. *Globe*, 11 April 1856.
65. *Toronto Daily Leader*, 11 April 1856.
66. *Ibid.*
67. *Globe*, 11 April 1856. *Toronto Daily Leader*, 11 April 1856, also reports that Mr. Mackenzie took the chair of the Committee. Still, according to the *Journals*, it was Mr. Crawford, who had taken the chair before the recess, who afterward reported the activities of the Committee to the House.
68. *Globe*, 11 April 1856.
69. *Ibid.*
70. *Ibid.*
71. *Ibid.*
72. *Globe*, 11 April 1856, reports that the reading of this document elicited some cries of hear, hear.
73. *Globe*, 11 April 1856.
74. *Ibid.*
75. *Globe*, 11 April 1856. This debate was reconstructed with the use of very short and incomplete reports from *Globe*, 11 April 1856, *Toronto Daily Leader*, 11 April 1856, and *Hamilton Spectator Semi-Weekly*, 12 April 1856, using the *Toronto Daily Leader* as framework to reconstruct the sequence of speeches.
76. *Toronto Daily Leader*, 11 April 1856.
77. *Globe*, 11 April 1856.
78. *Toronto Daily Leader*, 11 April 1856.
79. *Toronto Daily Leader*, 11 April 1856. *Globe*, 11 April 1856, reports simply that "a number of the clauses were got through, after a speech on each from Mr. Mackenzie."
80. *Hamilton Spectator Semi-Weekly*, 12 April 1856.
81. *Globe*, 11 April 1856.
82. *Ibid.*
83. *Ibid.*
84. *Ibid.*
85. *Globe*, 11 April 1856.
86. *Ibid.*
87. *Toronto Daily Leader*, 11 April 1856.
88. *Globe*, 11 April 1856. The ellipsis represents missing words.
89. *Toronto Daily Leader*, 11 April 1856.
90. *Globe*, 11 April 1856.
91. *Toronto Daily Leader*, 11 April 1856.
92. *Ibid.*
93. *Globe*, 11 April 1856.
94. *Toronto Daily Leader*, 11 April 1856.
95. *Globe*, 11 April 1856.
96. *La Minerve*, 19 April 1856. This newspaper specifies that Mr. Loranger rose to speak at ten o'clock. Both *Globe*, 11 April 1856, and *Toronto Daily Leader*, 11 April 1856, report that he spoke in French. Furthermore, *Toronto Daily Leader* reports that he "went into a brief history ... of the establishment of the Rectories, and repeated for the benefit of French members several of the arguments which had been already presented."
97. *Globe*, 11 April 1856.
98. *La Minerve*, 19 April 1856.

99. *Globe*, 11 April 1856.
100. *Toronto Daily Leader*, 11 April 1856.
101. *Globe*, 11 April 1856.
102. *Toronto Daily Leader*, 11 April 1856.
103. *Globe*, 11 April 1856.
104. *Toronto Daily Leader*, 11 April 1856.
105. *Globe*, 11 April 1856.
106. *Toronto Daily Leader*, 11 April 1856.
107. *Globe*, 11 April 1856.
108. *Toronto Daily Leader*, 11 April 1856.
109. *Globe*, 11 April 1856.
110. *Toronto Daily Leader*, 11 April 1856.
111. *Globe*, 11 April 1856.
112. *Toronto Daily Leader*, 11 April 1856.
113. *Globe*, 11 April 1856.
114. *Toronto Daily Leader*, 11 April 1856.
115. *Ibid.*
116. *Ibid.*
117. *Globe*, 11 April 1856.
118. *Toronto Daily Leader*, 11 April 1856.
119. *Ibid.*
120. *Ibid.*
121. *Globe*, 11 April 1856.
122. *Toronto Daily Leader*, 11 April 1856.
123. *Globe*, 11 April 1856.
124. *Toronto Daily Leader*, 11 April 1856.
125. *Globe*, 11 April 1856.
126. *Toronto Daily Leader*, 11 April 1856.
127. *Ibid.*
128. *Globe*, 11 April 1856.
129. *Ibid.*
130. *Toronto Daily Leader*, 11 April 1856.
131. *Globe*, 11 April 1856.
132. *Ibid.*
133. *Ibid.*
134. *Ibid.*
135. *Ibid.*
136. *Ibid.*
137. *Ibid.*
138. *Globe*, 11 April 1856. This newspaper ends its report by stating that "Mr. Brown took up and combated the several arguments presented by the three sets of opponents to his motion — defended his proposal as legal and politic and moderate — showed the heart burning which the question had created for long years, and wound up with an appeal to the Reformers to settle the question for ever."
139. *Toronto Daily Leader*, 11 April 1856.
140. *Ibid.*
141. *Globe*, 11 April 1856.
142. *Toronto Daily Leader*, 11 April 1856.
143. *Globe*, 11 April 1856.
144. *Toronto Daily Leader*, 11 April 1856.
145. *Globe*, 11 April 1856. According to this newspaper, the gentleman's last remarks "were generally inaudible in the reporters' gallery."
146. *Globe*, 11 April 1856.
147. *Toronto Daily Leader*, 11 April 1856.
148. *Globe*, 11 April 1856.
149. *Toronto Daily Leader*, 11 April 1856.
150. *Globe*, 11 April 1856.

151. *Toronto Daily Leader*, 11 April 1856.
152. *Globe*, 11 April 1856.
153. *La Minerve*, 19 April 1856. *Globe*, 11 April 1856, also reports that this gentleman spoke in French.
154. *La Minerve*, 19 April 1856.
155. *Toronto Daily Leader*, 11 April 1856.
156. *Globe*, 11 April 1856. Commentaries on this debate can be found in *Globe*, 11 April 1856, *Hamilton Spectator Semi-Weekly*, 16 April 1856, and *Montreal Gazette*, 17 April 1856.
157. *Toronto Daily Leader*, 11 April 1856, reports that the House adjourned "at ten minutes past 12 o'clock."

FRIDAY, 11 APRIL 1856

(286)

MR. SPEAKER laid before the House, — General Statement and Return of Baptisms, Marriages, and Burials in the District of *Gaspé*, for the year 1855.

For the said General Statement, see Appendix (No. 19.)

Also, Statement of Distribution of the Statutes of 1854-55.

For the said Statement, see Appendix (No. 43.)

And also, Statements of the Affairs of the *Toronto* Savings Bank, on the 29th February, 1856; and of the Bank of *Upper Canada*, on the 31st March, 1856.

For the said Statements, see Appendix (No. 5.)

The following Petitions were severally brought up, and laid on the table: —

By Mr. *Roderick McDonald*, — The Petition of the Town Council of the Town of *Cornwall*.

By Mr. *Dufresne*, — The Petition of *James Henry Pigott*.

By Mr. *Hartman*, — The Petition of *John Sharpe* and others, of the Township of *King*; and the Petition of *Anthony Eastwood* and others, of the Townships of *King* and *Tecumseth*.

By Mr. *Christie*, — The Petition of *Edward Vanderlip* and others, of the Township of *Brantford*; and the Petition of *C. Latshan* and others, of the Township of *South Dumfries*.

By Mr. *Brown*, — The Petition of the Reverend *Alexander F. Kemp* and others, Members of the *St. Gabriel* Street Free Church, *Montreal*; and the Petition of the Reverend *John Crombie* and others, of *Godmanchester*.

By Mr. *Foley*, — The Petition of *J. Gilkison* and others, of the City of *Hamilton*.

By Mr. *Larwill*, — The Petition of *James Wenten* and others, of the Township of *Sombra*.

By Mr. *Rhodes*, — The Petition of *Jean Rinfret* and others, of the County of *Lévis*.

By Mr. *Bowes*, — The Petition of *John McNaught* and others, of the Township of *Trafalgar*, County of *Halton*; and the Petition of *W. Matthews* and others, of the Town of *Brantford*.

By Mr. *Patrick*, — The Petition of the Reverend *Robert Boyd* and others.

By Mr. *Mattice*, — The Petition of the Reverend *Henry Patton* and others; and the Petition of *Samuel Ault* and others, of the Township of *Osnabruck*.

By Mr. *Holton*, — The Petition of the Reverend *James N. Williams* and others, of the Baptist Church, *Montreal*.

By the Honorable Mr. *Cartier*, — The Petition of the *Varenes* News Room.

By Mr. *Ferres*, — The Petition of *Clark Wilson* and others, of the County of *Brome*.

(287)

Pursuant to the Order of the day, the following Petitions were read: —

Of M. *Heroux* and others, School Commissioners of the Parish of *St. Philippe*; praying aid for a Model School in the said Parish.

Of the Sisters of *St. Joseph*, of the City of *Hamilton*; praying for aid.

Of *Andrew Upper* and others, of the Township of *Thorold*; of *B. McGuire* and others, of the Township of *Toronto*; of *A. G. Alexander* and others, of the Township of *Whitby*; of *R. T. Harrison* and others, of the Township of *Whitby*; and of *Aaron Campbell* and others, of the Township of *Whitby*; praying that representation may be based upon population.

Of *Ira Schofield*, late Captain in the Second Regiment of *Leeds* Militia, during the War of 1812; praying to be allowed half-pay for services rendered during the last War.

Of the Reverend *P. de Villers* and others, of the Township of *Maddington*; praying aid to construct a Road through the said Township.

Of *W. Johnson* and others, of the County of *Peel*; and of *N. F. Griffin* and others, of the County of *Brant*; praying that means may be adopted to prevent the unnecessary expenditure of the endowment of *King's College*.

Of *James Chambers* and others, of the Town of *Guelph*; and of *John Ryan* and others, of the Village of *Newmarket* and vicinity; praying for an Address to Her Majesty, soliciting the recall from banishment of *William Smith O'Brien*.

Of *D. Comstock* and others; of the united Townships of *Fenelon* and *Bexley*; and of *William Bell* and others, of the County of *Victoria*; praying for the passing of an Act authorizing the separation of the Counties of *Peterborough* and *Victoria*.

Of *Horace B. Tebbetts*; praying for an Act of Incorporation granting to him and his associates the right of way to establish a Telegraphic communication between the Continent of *Europe* and *North America*, across the Territory of this Province.

Of *Thomas Murphy* and others, of the Township of *Sombra*; praying that the Township of *Sombra* may not be annexed to the County of *Kent*.

Of the Reverend *A.S. Macaulay* and others, of *Nassagaweya*; of the Reverend *C.C. Johnson* and others, of *Orford* and *Howard*, County of *Kent*; and of the *Montreal* Young Men's Christian Association and City Mission; praying for the abolition of Sunday labor in the Post Office Department, and on the *St. Lawrence* Canals.

Of *George Bailey*, senior, and others, of *Lower Ireland*; of *John Taylor*, Worthy Patriarch, and others, members of Royal Division, No. 65, Sons of Temperance, of the Town of *Sarnia*; and of *Samuel Markle* and others, of the Township of *Middleton*; praying for the passing of a Prohibitory Liquor Law.

Of *William Drope* and others, of the Township of *Alnwick*; praying for the repeal of the Separate School Act.

Of the Municipality of the Township of *Ancaster*; praying for the repeal of the separate School Act; that representation may be based upon population; and also, that the Bill now before the House for establishing a Police Force in this Province, may not become Law.

Of the Mechanics' Institute of *St. Catharines*; praying for aid.

Of the Municipality of the Parish of *Chateau Richer*, County of *Montmorency*; and of the Municipality of the Parish of *Ste. Anne*, County of *Montmorency*; praying for certain amendments to the Municipal and Road Act of 1855.

Of the Municipality of the Parish of *Chateau Richer*, County of *Montmorency*; of the Municipality of the Parish of *St. Joachim*, County of *Montmorency*; and of the Municipality of the Parish of *L'Ange Gardien*, County of *Montmorency*; praying that the macadamized Roads of *Quebec* and *Point Lévi* may be under the control of separate Trustees.

(288)

Ordered, That the Petition of *Edward Scallan* and others, of the Village of *Industry*, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Mr. Turcotte, from the Joint Committee appointed by the Legislative Council and Legislative Assembly, for the direction of the Library of Parliament, presented to the House the First Report of the said Committee; which was read, as followeth:—

The Committee have had before them the Report of *Mr. Todd*, the Librarian of the Legislative Assembly, giving the result of his Mission to *Europe*, pursuant to the recommendations of the Committee, last Session. A considerable portion of the purchases made by *Mr. Todd* have recently arrived; and the remainder, including the large Donations obtained by him from the Governments of *England* and *France*, may be shortly expected. It is a matter of congratulation, that so far no loss has been sustained in the transport of the Books from *Europe*, and that they have been received in good condition.

The Accounts of *Mr. Todd*, with vouchers for every payment, have been submitted by him to the Committee, and appears [sic] to be quite satisfactory. The sum placed at his disposal for the purchase of Books was Nine thousand six hundred and twenty-one pounds nine shillings and six pence sterling. The amount expended by him, whilst in *Europe*, for Books and Binding, was Seven thousand five hundred and fifty-five pounds and six pence; add to which the amount of his per diem allowance for travelling expenses, &c., being five dollars a day, for two hundred and thirty-nine days, making Two hundred and forty-five pounds nine shillings and five pence half-penny sterling, it gives a total of Seven thousand eight hundred pounds nine shillings and eleven pence half-penny. This leaves a balance of One thousand eight hundred and twenty pounds nineteen shillings and six pence half-penny to the credit of the Library, at the time of *Mr. Todd's* departure from *Europe*. Since his return, freight and transport charges have accrued,

by the arrival of ninety-four cases of Books, which, together with further accounts received, for purchases made by him, on behalf of the Library, amount to about Four hundred pounds. Additional payments must also be made, before long, to complete the orders for Books, in *Paris* and *London*, as yet unexecuted.

The large and increasing extent of the Library, and the responsibility attached to its care and management, have induced the Speakers, with the advice of the Committee, to take steps to carry into effect the Report of the Committee, last Session, for the re-organization of the Department, which was concurred in by the House, on the 29th May, 1855. Accordingly, Dr. *Winder*, the late Librarian of the Assembly, has been placed on the retired list, with a Pension of Two hundred pounds per annum; and Mr. *Todd*, the former Assistant Librarian, has been appointed to succeed him, with a salary of Four hundred pounds per annum. These arrangements to date from the 31st of March last. To the Office of Assistant Librarian, agreeably to the understanding expressed by the House last year, a gentleman of *French Canadian* origin has been appointed, namely, Mr. *Lajoie*, of the *French* Translators' Department, he being thoroughly conversant with both languages, and otherwise well qualified for the post. His Salary remains unaltered, as he was in the receipt of Three hundred pounds per annum, as *French* Translator, which was the salary attached to the office of Assistant Librarian. These changes in the Department will, it is hoped, meet with the approbation of the House, and be the means of ensuring the proper care and oversight of our valuable collection.

(289) On motion of the Honorable Mr. *Young*, seconded by Mr. *Antoine Aimé Dorion*,
Ordered, That the 62nd Rule of this House be suspended as regards a Bill to incorporate the Transatlantic Telegraph Company.

Ordered, That the Bill to amend the provisions of the several Acts for the incorporation of the City of *Montreal*, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

MR. SICOTTE the SPEAKER informed the House that the newly elected member for Renfrew had placed his indentures in his, the Speaker's hands, and wished to take his seat. He informed the House¹ that no returns had been received by him of the election of Mr. Supple to this county. Enquiries of him had been made upon that point, and he thought it expedient to consult the House whether ... the gentleman should be allowed to take his seat.²

After a short discussion, in which the fact that the County of Renfrew had been disfranchised during the whole of this session was prominently urged, it was resolved that Mr. Supple should be permitted to take his seat, but that the case should not be drawn into a precedent.³

MR. SUPPLE was introduced into the House by MESSRS. EGAN and SHAW, and took his seat.⁴

(289) *John Supple*, Esquire, having presented the Indenture of his Election for the County of *Renfrew*, and previously taken the oath, according to Law, and subscribed before the Commissioners the Roll containing the same, took his Seat in the House.

MR. J.S. MACDONALD (Glengary) thought it important that the usual practice should be adopted in this instance, and would therefore move the following resolution, "that Mr. Supple, elected to represent the County of Renfrew, do take his seat upon the production of the duplicate of the indenture only, and without the return of the indenture from the clerk of the Crown in Chancery, and the usual certificate from that officer; but that this house recommends a strict adherence to the practice of producing the usual certificate."⁵

The motion was put and carried.⁶

(289) On motion of the Honorable *John Sandfield Macdonald*, seconded by Mr. *Brown*,
Resolved, That in admitting *John Supple*, Esquire, elected to represent the County of *Renfrew*, to take his Seat, on the production of the Duplicate Indenture only, and without the Return of

the Indenture to the Clerk of the Crown in Chancery, and the Certificate of the latter Officer, this House still recommends a strict adherence to the practice of requiring the production of the usual Certificate.

MR. AT. GEN. J.A. MACDONALD moved the orders of the Day.⁷

(289)

The Order of the day being read, for the House in Committee to consider of the Motion made on Friday, the twenty-eighth day of March last, That a Supply be granted to Her Majesty;

MR. INSP. GEN. CAYLEY moved the house into committee ... [and] said — In making this motion, I would wish to avail myself of the opportunity, and I believe it is also in accordance with the wish of hon. members on the other side, of entering at some length into the nature and purport of the resolutions that I will have to bring down at an early period in committee of Ways and Means. Before doing so, however, I desire to call the attention of the house to the expenditure of last year, and to compare the estimates which I had the honour of laying before the house last year with the actual returns of our revenue, and to compare our real expenditure with the calculations of our expenditure. The first item to which I shall refer as being the most important, both in amount, and as a matter of importance to the country, is the return of our Customs Revenue. Hon. gentlemen may probably remember that I estimated the Customs Revenue for the year 1855 at £900,000. The actual revenue has been £881,774. It will thus be perceived that the actual revenue for 1855 has fallen short of the estimated by upwards of £18,000. And this revenue falls short by nearly 30 per cent. of the revenue of the previous year 1854. In bringing this fact under the notice of the house, I also wish to call the attention of the house to the views urged on both sides, and more particularly by hon. gentlemen opposite, when the effects of the Reciprocity Treaty were under consideration, and the modification of our Tariff. On that occasion we were strongly pressed to increase the proposed reduction of our duties, and hon. gentlemen opposite complained of our want of nerve, and our inattention to the general demands of the country, in not coming down with a larger measure of reduction. One prominent member on the other side, the hon. gentleman who not more than two or three nights ago told us we ought now to come down with firmness and nerve and meet the present exigencies of the country by large supplies — that very gentleman on the occasion to which I refer not twelve months ago was one of the parties who moved an amendment to reduce our revenue from I think 30 per cent. on sugar and molasses, to 10 per cent. And he was followed by the hon. member for Montreal, who proposed to reduce the *ad valorem* duties from 12½ to 10 per cent. I wish to contrast the view taken by those gentlemen of our position on that occasion with the views expressed two nights ago, when we were urged to come down with a bold measure of taxation on the country.⁸

MR. GALT. — I never said that.⁹

MR. INSP. GEN. CAYLEY. — Well, it was to be a bold measure for furnishing the means of going on with Railways and Canals. I should be glad to know how the house can reconcile this proposition made within these few months back, at the very time too that we had to extend an additional aid of £900,000 to the Grand Trunk, that we should still further reduce our Ways and Means by reducing our revenue — how they can reconcile that with the proposition lately made to increase our means for the purpose of meeting these grand schemes of railways and canals. I think that either they must give up their pretentious claim to foresight and prudence, or that we must find the solution in the fact that with their eyes open they were following the game of opposition, and were willing to risk the best interests of the country to secure a party triumph. I am happy to know that the house had the firmness to resist what is always a very attractive proceeding, the reduction of duties, because, from the statement I am now to make, it will be evident that our ways and means have been reduced by the result of last year's financial changes, while I must at the same time state that the expenditure of the year, for many reasons into which I shall enter more at length on some future occasion, has been largely increased. Adverting

then more in detail to the estimated and comparing it with the actual revenue, I will state that the Customs' and the Excise duties, estimated at £908,000, have yielded £901,000.¹⁰ The Territorial Revenue estimated at £100,000, has yielded £125,000. — Bank interest estimated at £24,000, has yielded £22,400. Public works estimated at £100,000, have yielded £100,200. Fines and forfeitures estimated at £5,000, have yielded £5,800. Casual Revenue estimated at £25,000, has been £55,980. But of this amount £43,000 is the result of premiums on the sale of debentures in the English Market during the last year, to the amount of £351,400¹¹ [OR] £352,400 sterling. The Law Fee Fund estimated at £4,500, yielded £6,717. Thus I find that our total revenue for the year amounts to £1,217,534, instead of £1,166,500. I come now to the expenditure. The interest on the public debt, estimated at £210,000, amounted to £219,470. The civil list was estimated at £73,884; actual expenditure £64,157¹² [OR] £63,157. Acts of Lower Canada estimated at £5,996; actual expenditure £5,021. Acts of Upper Canada estimated at £5,000; actual expenditure £3,688. Acts of the Province estimated at £174,000¹³ [OR] £172,000; actual expenditure £221,145. In this, however, there was included £21,000, which formed part of the estimate of 1855. The annual estimates of 1855, were £308,261¹⁴; the actual expenditure under that head £308,966¹⁵. The Sinking Fund was estimated at £75,000, but we have paid £85,151, £10,000 more than our engagement bound us to pay, being added on account of the convenience of the shape in which we are making the payment. The deductions from revenue, for expenses of management of Public Works, &c., estimated at £170,000, turned out to be £198,474¹⁶ [OR] £168,474¹⁷. There were also in the estimates of the previous year, but paid this year, sums amounting to £89,799. The total expenditure, therefore, has been £1,194,873 13s. 9d. The total revenue, as I stated, has been £1,217,534 14s. 11d. So it will be perceived that we have a balance of somewhere about £22,000 over and above the actual expenditure of last year. I am not prepared, in making this statement, to express to the house that I view the state of our finances with a gloomy eye, because the revenue of the last year has fallen so far short of the revenue of the previous year. For, in point of fact, the revenue of last year has in the aggregate come up to something more than the [sic] estimate; so that we may say that we had anticipated the result of the year at its commencement. But though our revenue has fallen off apparently some 30 per cent. from the previous year, our importations have not fallen off to that extent. To shew this I will read a table of the importations for the last five years:

In 1851	£5,315,697
1852	5,071,623
1853	7,995,359
1854	10,132,331
1855	8,973,048

It thus appears that in round figures we have lost a little more than a tenth of our importations for the last year, while in revenue we have suffered a diminution of upwards of 30 per cent. The difference is partly due to the large addition made to the free list, the effect of the Reciprocity Treaty, and the addition made to the 2½ per cents on a number of raw materials. As some reference was made the other day to the trade of the St. Lawrence and Montreal, I will shew the importations into Montreal for the same years.

In 1851	£2,201,000
1852	2,246,000
1853	3,381,000
1854	3,816,000
1855	3,062,802

Thus it will be observed that in each year the importations into Montreal have in every instance exceeded one third of the total importations into the Province. Then, with reference to the additions made to the free list, I will show the value of free goods imported into Canada during the last three years.

In 1853	£443,997
1854	703,435
1855	2,584,618

We here see the effect of our Reciprocity arrangements with the United States, that, while our revenues from customs have very materially diminished, our importations under the head of free goods have been most enormously increased. And I may refer to this circumstance, under the depression of trade last year, as being one of the greatest sources of the energy and activity which have been displayed in Canada, and one of the mainstays of our trade of last year. But of this item of free goods Montreal also had her share. There were imported of free goods in Montreal

In 1853	£125,790
1854	321,347
1855	950,462

I have more particularly adverted to the trade of Montreal, because several memorials have been addressed from that quarter of Canada upon the subject of trade, the memorialists dwelling strongly upon the failure of the use of that channel for the purposes of business, and urging that by some legislative action we should endeavour to restore activity and business to the port of Montreal, and one mode by which this was to be effected was, that we should change the system by which we levy our duties, from the specific to the *ad valorem* system. I am prepared to discuss this question at some length with hon. gentlemen opposite, as I look upon it as one of very considerable importance. I am desirous indeed of inviting discussion upon it. But I have not that confidence in the result of a return to the former system which some hon. gentlemen profess. On the contrary I believe that you cannot by any restrictions or by any coercive legislation, be successful in driving trade out of its natural channels. But I feel assured that Montreal does not seek to aggrandize herself at the expense of other parts of the community, and I am satisfied they are mistaken in believing that the course they are pursuing will not injuriously affect other parts of the country. I am not disposed to overlook the interests of Lower Canada, and of Montreal, but I seek to deal equal justice to both sections of the Province. I therefore propose to consider first of all what are the general interests of the Province, and how they are best to be maintained. I take it to be our general interest to maintain the credit of the Province, and to afford every facility for the development of the resources of the country — and not to endeavour to coerce trade into certain channels by special legislation. We ought rather to keep duties as light as possible, and give the merchant and the consumer the right to choose their own markets. In order to effect this, we must first of all maintain the credit of the country, we must have a safe and sound and good banking system, we must [sic] offer every facility for keeping up a communication between the several sections of the Province by our water communications, our canals, rivers &c. — not that every harbour, every canal, every railroad can be constructed with public money, but that we shall lend our aid to those enterprises which both in extent and amount of cost go beyond the means of individuals, and ceasing to be of local value are of general importance. As something was said the other evening with regard to the construction of the Caughnawaga canal, I desire for a moment to direct the attention of the house to the expenditure on our Public Works, our canals, harbours, bridges, &c. I think, by a reference to the Public Accounts, it will be perceived that Lower Canada has by no means been forgotten in the distribution of the public money. (Hear, hear.) I find that during the last two years the sum of £195,000 was expended below Montreal.¹⁸

MR. HOLTON. — How much below Quebec?¹⁹

MR. INSP. GEN. CAYLEY said that within the last three years there had been expended £42,900 on light-houses below Quebec.²⁰

MR. GALT. — Is that part of the £195,000?²¹

MR. INSP. GEN. CAYLEY. — Yes. And I must not overlook that within the last eighteen months the present Government and the country have pledged themselves to enter into contracts that will amount to £40,000 a year to maintain the tug service, and ocean steam navigation — the interest of nearly £700,000, which was no small contribution on the part of Canada towards the navigation of the St. Lawrence, and the keeping up of a communication with Europe by steam-packets.²²

MR. GALT. — How much for steam-packets?²³

MR. INSP. GEN. CAYLEY. — £24,000 sterling. And the member for Montreal, Mr. Young, who takes a deep interest in the trade of Montreal, and in deepening the channel below that city, knows that there has been a large expenditure on the harbour of Montreal, and in deepening Lake St. Peter.²⁴

MR. HOLTON. — Is that a charge on the public revenue? I thought the hon. gentleman was stating what had been done by the country for the trade of the St. Lawrence.²⁵

MR. INSP. GEN. CAYLEY. — I take it that it is a charge on the trade of the country. I take it that when the country undertakes raising ... toll, the expenditure must be regarded as an item of public expenditure.²⁶

MR. HOLTON. — But it is not out of the public chest.²⁷

MR. INSP. GEN. CAYLEY. — I have alluded to these circumstances, as showing how we could not, under the circumstances — our revenue having been for the last year, a very little over our expenditure — entertain the proposition brought forward by the hon. members for Sherbrooke and Montreal to divert a large portion of our resources or public works, for the construction of a new canal.²⁸

MR. GALT. — The hon. gentleman has given us the amount of estimated expenditure and income. Would he have the kindness to state how much the income of the canals which have produced £100,000, exceeded the expenditure?²⁹

MR. INSP. GEN. CAYLEY. — The hon. member will find in the public accounts the amount of deduction for collecting the revenues, and for ordinary repairs. The deduction is large. But he will find, also, in the public accounts, that there have been annual appropriations to enlarge and make more generally useful the several canals. And if you charge these annual appropriations under the head of repairs, of course you will absorb the whole income, and perhaps something more. I ought, perhaps, to have referred at an earlier period to the different items, where the great changes have taken place in the returns of our Customs' revenue. I shall, therefore, now proceed to read some extracts under that head. First of all, I may remark generally that, under the head of specific duties, with two very trifling exceptions, there has been a reduction on all the items, as compared with last year. On coffee there has been a falling off in duty to the amount of £4,260; on molasses, £6,182, on brandy, £17,000. I may mention that the importation of brandy was extremely large in 1854, and the importations of this year have gone back to those of 1853. In 1853, the importation of brandy was 147,000 gallons; 215,000 gallons in 1854; and 148,000 gallons in 1855. The duties on gin and rum have decreased £1,900 and £1,500 respectively. On whiskey there has been an *increase* of £1,600. On wine of all kinds a decrease of £3,400. On sugar (refined) £6,018; sugar (raw, &c.) £8,045³⁰ [OR] £7,045; dried fruits, £3,000; spices, £2,000; tea, £16,500; unmanufactured tobacco, £3,300; manufactured tobacco, £1,150. The falling off in the goods, on which a 13½³¹ [OR] 12½ per cent. duty is levied, has been from £768,000 to £538,000. The total reduction was from £1,237,629 to £881,000. — On the last occasion when I had the honour of addressing the house on this subject, I quoted the opinions of several members of the Imperial Parliament, amongst others, Mr. Gladstone, and others looked on as high authorities showing their preference for the adoption of the principle of levying specific rather than *ad valorem* duties. On that occasion, I had

not the opportunity of referring to the report of the Committee of the House of Commons, but I have saved some of those papers, and find that the substance of what is reported by the Committee describes the principle of *ad valorem* duties as one which works badly in practice, however commendable it may appear in theory. The objections to it are the impracticability of working it out correctly, that it is always a subject of uneasiness, vexation, favouritism, and bribery, and also its materially affecting the value of the article imported. Great difficulties in the mode of working the *ad valorem* system arise from the seizure of goods by customs officers on speculation. Mr. Traverse, in his evidence, stated that, during the time *ad valorem* duties were in existence, open and rank bribery existed. It was one of the most forcible arguments used to show that the system ought to be changed. The difficulty of arriving at the precise value of sugar for the purpose of fixing the rate of duties applies to all classes of *ad valorem* duties — the return to which formed the principal topic of discussion.³²

MR. GALT³³ [OR] MR. CHABOT. — When did that Committee report?³⁴

MR. INSP. GEN. CAYLEY. — In 1852. The evidence of Mr. Brown before the Committee of the House of Commons, showed that it is perfectly impossible to fix the exact amount of duty to be charged on tea *ad valorem*; he said, “we had 20 pots of tea in the room with hot water in them, smelling them and tasting them, and saying this is one kind of tea, and that is another kind;³⁵ and at last we found that we could not continue that course, and had to put on a specific duty instead.” Mr. Hastings went on to give evidence precisely to the same purport on the subject of sugars.³⁶

MR. HOLTON. — Is the evidence all on one side?³⁷

MR. INSP. GEN. CAYLEY. — In this book it is. It all tends to show the impracticability of working out the *ad valorem* system. But we have some experience on that subject ourselves, and I will state a case which is probably in the knowledge of the member for Montreal — a case which was called “the McFarlane case.” The McFarlane case was this: A certain quantity of brandy was imported into Montreal.³⁸

MR. HOLTON. — What case is that?³⁹

MR. INSP. GEN. CAYLEY. — It is a case in which there was a seizure of 122 hogsheads of brandy.⁴⁰

MR. HOLTON. — The McFarlane case was a dry goods’ case.⁴¹

MR. INSP. GEN. CAYLEY. — Possibly there was some mistake made by Mr. Bouchette, by whom the memorandum was made, in putting McFarlane’s name on it. But I speak of that case where there was a seizure made of a large quantity of brandy. A quantity of brandy was imported into Montreal, in October 1854,⁴² on which the importer wished to pay the duty as coming from Charente. The Customs officers contended that it was from Glasgow. It was French brandy, and the only question raised was whether it came from Charente, or direct from Glasgow. The importer contended it came direct from Charente, but that his agent at Glasgow, having a quantity of Charente brandy in his vaults might possibly have filled a portion of the order in that way. However, the brandy was seized. Heavy bonds were given, and the case has only been closed within the last few weeks by the payment of a forfeiture. The question turns solely on this point. Was the brandy imported direct from Glasgow? Should the duty be charged on the value at Charente, or the value in Britain?⁴³ Now the actual value of the brandy was no higher coming by one way than by the other, and my opinion is that the duty should be the same — and that the importer was placed at a very great disadvantage from the principle that was acted on. The next case to which I will refer is connected with the gas works of this town. A number of castings were entered by Mr. Brick at a valuation of \$40,000; and they were seized for a supposed undervaluation to

the amount of £2,000. On a close examination, it was not only found that the valuation was equal to that placed on similar articles in the cities of ... Quebec and Montreal, but was actually higher. The seizure had been based on a memorandum of three gentlemen engaged in this city in the hardware trade, two of whom, on a more careful examination of the case, saw fit to modify their statement with regard to the value of the castings imported by Mr. Brick, and they were accordingly released. Now, here is a case of hardship under the *ad valorem* system. Mr. Brick actually entered these articles at a higher valuation than they bear in the cities of Quebec, Hamilton, and⁴⁴ Montreal⁴⁵ [OR] Toronto, and yet in consequence of the difficulty of determining the exact rate at which they should be entered, they were seized, the importer compelled to give heavy bonds, and subjected to much hardship and vexation. I took the trouble some time since to have a table prepared showing the value of importations of tea at all the ports in Upper and Lower Canada, and I desire to call the attention of honourable gentlemen opposite to some of the figures of this table. First of all, I find that the number of pounds of tea imported into Lower Canada for three-fourths of the year, was within a fraction of the amount imported into Upper Canada — the number of pounds imported into Lower Canada being 731,329 against 734,292 imported into Upper Canada, being barely a difference of 2000 pounds; but the value of the tea imported into Lower Canada was only £42,096, while the value imported into Upper Canada was £66,954, being a difference of nearly 50 per cent. I now direct attention to the entries of some cargoes of tea from the seaboard, and from China direct, and through the United States. A cargo of tea, imported direct from China in May 1855, was entered at 9 2-5d per lb., and another cargo imported from China direct was entered at 11½d per lb. I find that the average price of teas at Quebec and Montreal was 1s 1¾d per lb, and that the average price of teas at Hamilton and Toronto was 1s 10¼d per lb; the average duty paid on teas at Montreal and Quebec, entered under the old tariff, was 2 6-8d; and the average rate of duty at Toronto and Hamilton was 3%. This was the penalty paid by Upper Canada for importing by other channels than that which is favoured by the member for Montreal (Mr. Young). Now, it will be perceived that by reducing the duty on teas to a fixed duty of 2d per lb, that in no case has the duty in Lower Canada arrived at the duty it paid before this alteration was made. — For instance, under the last entry of tea the importation from China direct in 1855 [was] 9 2-5d per lb, the duty amounted to 2 1-5d per lb, and the duty in 1853 on tea imported from China was 2½d, consequently the *ad valorem* duty under the old system was higher at Quebec and Montreal than it is under the fixed duty of 2d per lb. The consumer, therefore, gets his tea at a reduced rate of duty compared with that which he formerly paid. But under the old tariff Upper Canada had to pay 3¾d against 2d under the new tariff; consequently the whole difference was thrown against the consumer in Upper Canada, who under the old tariff had to pay nearly 2d more than the consumer in Lower Canada. I think, therefore, that it would be wrong to return to a system which is hard on one part of the Province, and which cannot be shown to have conferred any benefit. I hold in my hand a table which shows the value of different commodities entered last year, and compared with the entries this year, showing the per centage of increase or decrease; for instance, I find in the article of copper there is an increase of 12½ per cent. in quantity, while the increase or [sic] value given is 23½ per cent., or nearly double. On sugars, I find that the increase in quantity is 7 per cent., but the increase in value is 33 per cent. In molasses the increase in quantity is 2½ per cent., and the increase of value was 44 per cent. In the article of tea, I find that — although I have been informed by one of the first houses engaged in the trade, that tea was worth actually less in the market in 1855 than it was in 1854 — the returns show an increase in the value of the quantity imported of 17 per cent., while the quantity has only increased 10 per cent. The inference I draw from this fact is, that when you take away all inducement for people to conceal the real value of their goods with a view to enter them at a lower rate of duty, you get rid of a great temptation to fraud, and obtain a statement of the real value of the goods imported. It is well known that one of the great causes of seizure, was the under valuation of goods; and I look on this as most conclusive evidence against the *ad valorem* system. Coming now, sir, to another point of view, under which the subject may be regarded, I may observe that there have been several petitions presented, asking us to impose what is called a retaliatory duty upon articles coming from our neighbours, and intimating that in customs

matters we should be governed by the policy pursued by them. Now, I do not see that, because a system of high duties has been adopted in one country, it should be adopted in all. Nor do I admit it to be sound policy that we should make our tariff under all circumstances to correspond with our neighbours, in opposition to our wants and conditions. A striking instance of this argument was furnished in the debates of the House of Commons at home. (The hon. gentleman here quoted a speech delivered by Robert Peel, on the disinclination of America to follow the example of Great Britain in adopting a low tariff policy.) Perhaps it will not be without weight with hon. gentlemen opposite. I allude particularly to [the] hon. members for Sherbrooke and Montreal, as great friends of a gentleman who stood high in the estimation of this house that he had seen reasons very materially to modify his views on the subject of *ad valorem* and specific duties. It is well known that I was always an advocate for specific duties — and on the return of Mr. Hincks to office in 1847 he restored in a great measure the *ad valorem*; it will be remembered that in the speech from the throne in 1851, dictated, no doubt, so far as the portion of it was concerned, by Mr. Hincks, the intention to modify the tariff was there distinctly stated. I then requested him to furnish me with a sketch of his plan, and I found that its most marked feature was an abandonment of the mixed system of *ad valorem* and specific duties, in favour of specific duties. I followed in his wake, although I said that I would not go so far as he did in favour of reduction, as I looked with a more gloomy eye on the prospect of a protracted way; and I believe that I stood very nearly alone in this House, in urging that we had no reason to suppose, from all we had heard from England and from Europe, that the war would soon be at an end, and that we would not be justified in making a large reduction. I mention this, because I claim now the support of those gentlemen who regard Mr. Hincks as a good judge — a gentleman who, for seven or eight years, filled the office, the duties of which I now, however inadequately, perform. And I believe that I shall be supported in the assertion, that Mr. Hincks had made this announcement of his change of opinions on the subject. Under these circumstances, I do not see why we should attempt to return to the old system. I do not propose to make any change in the system of specific duties, for I see no reason why we should revert to a system which however well it may appear in theory is injurious in practice, hurtful to the morals of the country, harrassing [sic] and vexatious to the importer, and which opens the way to abuses on the part of the officers. I do not know that I need go back upon an argument on which I have already dwelt at some length; but I may make this remark. The direct importers of teas from China, have always claimed an exemption from payment of duty on what is called the export duty in China; but the merchant who imports from New York has to pay an additional rate. I will suppose that the value of the tea in China is 6d. — the merchant who imports direct pays the duty on 6d., but the merchant who imports from New York, and demands that he should be entitled to enter it at 6d. is told, “No, you cannot enter it at 6d.; you must pay the duty on the export duty of China, [you] must pay the duty on the freight from China to New York, and you must pay duty on the import duty at New York, and even on the commission and profits of the New York importer.” Now, I view the matter in this light: we will be most happy to afford every facility to trade, and to enable the consumer to enter the cheapest market for the purchase of those commodities which he may require; but we must not lend ourselves to any project for blocking up our neighbour’s gateway. I cannot lend myself to such a principle; and therefore I say that in calculating all the difficulties with which we are surrounded, and the best way of avoiding them, whatever changes we think necessary, and whatever, under the exigencies of the position, I may be compelled to come down to this house and ask for aid, to enable me to carry out, I will not propose any change to *ad valorem* duties, but continue the present system. The remarks I have made have been confined to the expenditure and the revenue of last year. I now turn my attention to a subject of great importance — one closely connected with the welfare and the best interests of the country. I need not observe that the communications which were published in the papers a few days ago, were received almost like a thunderbolt — I refer to the letters addressed by Mr. Brassey to the President of the Grand Trunk Company in Canada. Whatever may have been the specific information of hon. gentlemen on this side of the house, in regard to the position of that work, we were by no means prepared for the views expressed in these letters for the proposition hinted at or the demand made. The subject is one of great

delicacy, and I am almost afraid that I cannot approach it without exciting some feeling in the House. Indeed, we have on both sides of the house indulged in so much political fervour in our debates, that I can hardly think this would form an exception to the rule. But I do not wish to give the slightest occasion for painful feeling, and shall, therefore, confine myself solely to the matter before us. I will not go back beyond the period when we first accepted office — about 18 months ago. On that occasion, it will be remembered, one of the very first measures we brought down to this house was a proposition to extend our guarantee, which up to that time was confined to the sections east of Toronto, to sections west of Toronto, merely that they might be allowed to derive a benefit from the use of the guarantee in anticipation of the execution of these lines.⁴⁶ This was acceded to by the House, and from £400,000 to £500,000 were released by this action.⁴⁷ The next demand made upon this house was last year, being an increase of £900,000 which amounted to something like 50 per cent. upon the estimated cost from Stratford to St. Thomas. That was also agreed to. At that period, when the bill was passed guaranteeing additional aid, a clause was introduced into the act, authorizing the Government with the consent of the Governor in Council to appoint “skilled engineers” to examine the road and take care that the guarantee was not released to a greater extent than they were entitled to release it under the new arrangements. At the time the new arrangements were made, it was estimated that £1,800,000 would finish the work from St. Thomas, westward, and the House relied upon the Government taking such precautions, in releasing this guarantee that the work should be completed so as to correspond with the amount of the guarantee released. Two months ago, the work remaining to be done was estimated at something under £400,000, and the amount we have at this moment unreleased, amounts to £500,000, consequently the Government have on hand as a guarantee against all contingencies, an amount apparently exceeding the estimate[d] cost of the work remaining to be done. I have not yet had an opportunity of examining the report of the engineers appointed by the Government to examine the line; but it is in the hands of my hon. friend the Attorney General West, who may take an opportunity of remarking upon it. But I understand that they concur in every particular with the estimates furnished by the engineers of the Grank [sic] Trunk Railway Company as to the progress of the work, and we have now in hand a larger amount than will be sufficient to finish it. I think, therefore, the House should not be under any apprehension that, come what may, the contractors will be in a position to go on with their engagements. I regret to see that some doubt exists as to the power of the company and the contractors to carry on their work between the two limits, of Stratford to the West and St. Thomas to the East. I hope these expectations will be disappointed. I hope the prospect of peace and the recovery of the balance of trade, will greatly ease the money market, so as to enable the company to carry on their work with increased vigour. But at the same time I am bound to admit, that according to their own showing they feel the pressure of the times, and their position to a certain extent may cause this difficulty. They have not the same prospect before them of relief that other parties may have, in regard to their transactions in the money market, because their position as contractors is a mixed one, for they are not only contractors for the road but part of the company as well. It will be remembered, at the commencement of the company, one-half of the shares were reserved for the English shareholders, the company agreeing to take up these shares, or hand them over before the expiry of the year to the contractors. The value of these shares having fallen, the option of the company was not to take them, consequently they were left in the hands of the contractors. From that period the stock has continued to fall until it has arrived at a very depressed state⁴⁸. In consequence of the line ... being opened only in parts altogether unconnected with the great trade of the country, it has been less productive than we have any reason to believe will be the case when the works are finished. The contractors then, who are driven to find resources, not only as contractors, but as part of the company, to carry on the great work, which their two-fold position has rendered doubly hard, have submitted the proposition contained in Mr. Brassey’s letter. That proposition is one of an unusual character. It proposes that the Government — for the benefits to be derived by Canada from the completion of this line of railway — should give the moderate guarantee of 5 per cent. upon the shares. The amount of the estimate of this guarantee, if we include the £3,000,000

necessary to complete the line, will not be less than £6,000,000 sterling, and it involves also the money under the old guarantee, an additional £3,000,000. It is true that at the end of ninety-nine years the whole of the work would revert to the country. But the total amount of our liability by this guarantee would be £486,000, equal to about £581,000. But it may be contended — and with some force, too — that we shall not be called upon to pay the whole of this amount, because whatever accrues as profit from the working of the line will go to make up part of that guarantee. I do not look upon this as a hopeless enterprise; on the contrary, I look forward with the brightest hopes to the result of the Grand Trunk, when in operation — that it will meet the expectations of hon. gentlemen — not the fullest expectations, perhaps, but — that it will yet reach a point remunerative to the stockholders in England. But it is one thing to entertain bright hopes that the line would pay, and another thing to become guarantee that it will pay. We have, therefore, no right to enter upon a guarantee of that magnitude when we must be dependent upon the realization of our expectations for the means to fulfill our engagements. I will now for a moment refer to our financial position, for the purpose of showing that if we do not recommend an immediate relief to this work, it is rather because of our inability than from any disinclination to do so. I will refer to the surplus revenues of the Province. I find our surplus revenue for the several past years was as follows: In 1842 we had a surplus of £6000, over and above the expenditure; in 1843, a surplus of £36,000; in 1844 a surplus of £67,000; in 1845, a surplus of £100,000; in 1846, a surplus of £700,700⁴⁹; in 1847, a surplus of £48,000; and in 1848, there was a deficiency of £94,800. In 1849, there was a surplus of £62,000; in 1850, a surplus of £172,000; in 1851, a surplus of £207,000; in 1852, a surplus of £83,000; in 1853, a surplus of £450,000; in 1854, a surplus of £479,000; and in 1855, £22,000. It will be perceived, that except the two last years, we have had no surplus revenue on which we could rely in entering upon so stupendous an undertaking as the one involved in the correspondence between Mr. Brassey and the President of the Grand Trunk. But I may also observe, in regard to these last few years, the imports were extensive, and the past history of the Province would show that a year's large importation was generally followed by a year of reduced importations. I find that the largest amount of customs revenue prior to 1850, was in 1844. It was then £429,000. It was not, however, sustained at that, but fell in 1848, to £304,000. In 1849, it rose to £412,000, thus taking from 1844 to 1849 to recover what it lost from 1842.⁵⁰ En 1850 nous recommençons la période ascendante qui va durer encore cinq ans. Ainsi, cette année-là, le revenu des douanes s'élève à £533,000; en 1852, à £703,000; en 1853, à £986,000, et en 1854, à £1,168,000. Ensuite nous retombons dans une période descendante qui peut durer jusqu'à 1859. En 1855, en effet, le revenu des douanes est descendu à £881,000. Qui sait ce qu'il va devenir cette année!⁵¹ From these figures then it will be seen, that however deeply the Government may feel for the situation of the Grand Trunk Company and the contractors, it is totally out of their power to entertain the proposition put forth by Mr. Brassey's communication. But, sir, we have a duty to perform. We are under certain pledges, not to the Grand Trunk Company, nor the contractors, but to the public, and these pledges, whatever may be the result of the Grand Trunk Company, I trust the house will strain every nerve to maintain. Within these few hours, I have received a communication from the Vice President of the Grand Trunk Company. He says, "I had the honour of transmitting, a few days ago, a resolution passed at a meeting of the Directors of the Grand Trunk Railway Company, held on the 10th of April, having reference to the present embarrassment of the company's affairs, and begging that the interest past due, and the interest coming due on the bonds issued by the Government to this Company, may be provided for by the London Agent of the Province." He says, "I have earnestly to beg that you will at the earliest practicable moment submit the communication to the Executive Council, so that action may be immediately taken, and the necessary order forwarded to them." That communication tells us that it is no longer a matter of doubt that the Company have been unable to meet the dividend upon their securities, the amount of which is £3,111,500. They have not the means to pay the last January dividend, and have no means of making provision for the coming dividend⁵².

MR. GALT. — Am I to understand that the interest has not been met upon the Provincial bonds.⁵³

MR. INSP. GEN. CAYLEY. — I will read the resolution:

Resolved, "That inasmuch as the embarrassed portion of the Company's financial affairs compelled the necessity, on the 1st of January last, of seeking advances from its bankers, to sustain the credit both of the Province and of the Company, by the prompt payment of the interest due upon the Provincial bonds, and in view also of its continued inability to meet these future payments until the completion of the whole line, including the Victoria Bridge, it is ordered that the Vice-President address a communication to the hon. Inspector General, begging that instructions be forwarded to the London agents of the Province to provide for the interest for the half year due last January, and for the present half year coming due in July next, on the debentures issued by the Province on behalf of this Company, and amounting in the whole to £3,111,500."

I desire strongly to impress upon the house that this is no longer a question of aid to the Grand Trunk Company. It is a question of fulfilling our own engagements — our own pledges to the public, which we are bound — come weal or woe, to maintain inviolate.⁵⁴ The total amount of liability involved is £200,000⁵⁵ [OR] £250,000, and it is perfectly clear that from any revenue past or expected, ... we have not the opportunities of meeting the engagements of the Province — not with the Company, because these debentures have fallen into the hands of parties who have no connection with our country, and who look to Canada, and Canada alone for the payment of the interest and fulfilling all other engagements. I have not dwelt thus upon this subject, desiring merely to present the view we must take of it. We must however deal promptly — we cannot shut our eyes to the position of affairs. I am not prepared to shrink from, nor am I indisposed to face all the consequences of our position. I am prepared to deal with it in good faith to the Province, and in a way in which I hope to be sustained. The Government are prepared to do so, and we hope we shall be sustained by the house. There are three ways by which the unexpected defalcation may be met; first, by a direct taxation; second, by the issue of our debentures; and third, by encreasing our Customs Revenue. In reference to the first, I have no hesitation in expressing my opinion that it would be received with very ill favour by the country, and would be most dilatory in its operation, and therefore, inoperative. As regards the second, the issuing of our debentures for payment of interest, is one which I think should be resorted to only in the last extremity. (Hear, hear.) It would not remove the evil, but stave it off from day to day, at the expense of our reputation, and the accumulation of our embarrassments. The third, I think, is the only alternative; — the increase of our customs duties to such an amount as will enable us to fulfil our engagements to the country. If our estimated revenue is, say in round figures £900,000, and I am not prepared to estimate it at more, because we have within the last year, by the operations of Reciprocity — the free list — made a permanent reduction upon our former revenues, and such as any mere extra importations will not cover. As therefore we derive our revenue from importation, I look forward to no great increase, unless we endeavour to raise it by direct legislation. It appears to me that it will require an amount not less than something like an addition of 25 per cent. upon the customs of last year to arm us with sufficient means to meet our engagements for the current year. It would be hardly safe to estimate that if you raised the duties 25 per cent. you will get an addition of 25 per cent. to the entire revenue, — because all experience is against such an expectation, — but 20 per cent. may be realized. If by this means we add £225,000 to our customs revenue, this would be something less by £10,000 than the demand made upon us to cover all the exigencies of the Grand Trunk. It will be, therefore, my duty to bring down at an early day, resolutions in conformity with the sketch I have thrown out; and I trust that as I have confined myself solely to the question of meeting these engagements, which, although voluntarily assumed, we have no other way to meet, and which the country in the first instance consented to — ⁵⁶

No, no, from several [members] of the Opposition.⁵⁷

[MR. INSP. GEN. CAYLEY continued:] I need not repeat the statement, but will endeavour to confine myself to the proposition I have laid before you. I have just been reminded that I should also state to the House, that the Grand Trunk is not the only liability we have to meet. The Northern

Railroad has been unable to meet their January dividend — and the country has been calling upon us to raise the means to provide for the last half year's interest upon the Road. I may remark also that the Municipal Loan fund is in arrear[s], and that I have reason to expect that we shall not escape the consequences sometimes attendant upon becoming surety. (Hear, hear.) We shall be called upon, I fear, from time to time, to make good the deficiencies of the Loan Fund — but beyond the meeting of the interest upon these loans when it falls due, I have no reason to think we will be required to go.⁵⁸

MR. J.S. MACDONALD. — What is the amount of the liability incurred by the Northern Railroad?⁵⁹

MR. INSP. GEN. CAYLEY. — £18,000.⁶⁰

MR. BROWN wished to know if the *coupons* of the Grand Trunk Company had been retired?⁶¹

MR. INSP. GEN. CAYLEY. — The only information I have, is that placed in my hands last night, and which I have just read to the House.⁶²

MR. CAMERON said, the bankers of the contractors had no doubt paid the interest to January, and it was to refund that that the aid was wanted.⁶³

MR. INSP. GEN. CAYLEY said, the resolution stated that the bankers had advanced the money for the interest. I may add, that instructions have been sent to gentlemen on the spot to look after our debentures, and to take care that no damage is done to the credit of the Province. With these remarks, I now move that the Speaker do leave the chair.⁶⁴

MR. YOUNG said there were two points in the speech of the hon. Inspector General which met his entire approval. One point was, that in framing the tariff the general interests of the country should be consulted, and that trade should not be forced in one direction to its benefit any more than to another. The other was, that in relation to the position in which the country is placed in regard to the Grand Trunk Company, and other Companies, that whatever might happen, that the credit of this country should be maintained. — (Hear, hear.) He trusted that every hon. member in the house, no matter what difficulties were presented, would not allow that credit to be interfered with. (Hear, hear.) This he supposed was not the time to go into any details upon the principle, upon which the Inspector Gen. proposed to found his tariff. He (Mr. Young), differed entirely with the hon. gentleman in relation to the principles upon which he proposed to found it, especially in that of collecting specific duties upon *ad valorem* rates; (hear, hear,) and he thought he would be able to show that the hon. gentleman was wrong in arguing, that the principle of a specific duty was a correct one. Three fourths of the whole duty collected in this country, was upon the principle of *ad valorem*. (Hear, hear.) The whole of that duty was collected upon the principle of placing entire faith in the merchant who enters his goods at the Custom House. He might, however, mention one circumstance in support of his opinions. There was no article in this country which has such a difference in its value as that of silks; and yet, nobody pretended to measure silks by the square yard; but the invariable rule was to take those goods at their value at the Custom House. Now, the principle of specific duties was in his opinion unjust to the poorer classes of society.⁶⁵ It was most absurd to charge the rich man who drank his champagne the same amount of duty as the poor man, who was satisfied with weak claret, and so throughout all the articles of consumption; the specific duty making the poor man pay upon his coarser articles of consumption just the same duty as the rich man paid upon his finer articles.⁶⁶ In regard to Mr. McFarlane's case in Montreal, cited by the Inspector General, he was accused, if not convicted, of entering dry goods, and not, as stated, brandy, under the *ad valorem* system.⁶⁷

MR. INSP. GEN. CAYLEY explained that he might have mistaken the name, but the case he wished to instance had reference to brandy.⁶⁸

MR. YOUNG thought, if not mistaken, that the article in question was "gin." It was a case in which Gillespie & Martin were concerned, which had been tried in the Courts, and to which his attention had been directed, and the particulars of it were these. It was now well known that brandy had increased in value nearly three fold within a comparatively short period. The article alluded to was purchased originally in Charente. It was transferred, as is usually the case in freighting brandy, from Charente to Glasgow, entered there, and transported from the warehouse which secured its entry here, at *ad valorem* rates, but that was not the point in that case. The brandy had risen in value, and was detained over a long time in Glasgow, and the question arose here, whether duty should be levied upon that brandy at its original value at the time that it was purchased, or when it was shipped. He thought that that was a very important point to urge. He did not know how it had been decided, but he thought that the Inspector General was in error in his application of this case to specific duties. No such error could occur with *ad valorem* duties. But he quite agreed with the Inspector General that in the regulation of a tariff it ought to be so framed as to keep up the general interests of the whole country. He (Mr. Y.) felt he was speaking the voice of the people of Lower Canada when he asserted that they wanted no exclusive privileges whatever. (Hear, hear.)⁶⁹ His hon. friend the Inspector General said that under the old system of *ad valorem* duties, the people of Upper Canada paid 2d. per lb. more on tea by bringing it by New York, than was paid by the Lower Canadian merchant. Now, he would ask, did not that evidence, that by importing direct to Lower Canada, they received the article 2d. per pound cheaper?⁷⁰ Was there to be any disability put upon Lower Canadian merchants importing direct from the West Indies, China, or any other country, and bringing those articles in bond from any of those ports to any port in Lower Canada. But at present the Lower Canadian merchant was deprived of doing that, and the whole advantage was on the side of the Americans. As to tea, the reason why it cost so much bringing it on from China to New York was, the price of freight. — The American merchant was allowed by the present system to retail it out at the same rate of duty as the man who goes to China and exports it direct to Lower Canada.⁷¹ The hon. Inspector General also showed in the article of brandy, the quantity of gallons imported was greater in 1854 and 1855; but he did not specify the value of the brandy. And he (Mr. Young,) believed that although the quantity had decreased, it would be found that the value of the brandy imported in 1855, exceed[ed] that of 1854; for in the latter year the price was but 6s. per gallon, whereas, in the former year, it amounted to 10s. per gallon.⁷² He was sure that if the *ad valorem* rates of duty had been charged under the present system, there would be £20,000 or £30,000 more in the public chest, than by the impost of specific duties.⁷³ They had been also told by the Inspector General that Lower Canada had not been forgotten in the expenditure in public works — that a large sum had been laid out on light-houses, harbors, &c., and other public improvements. Now, he held the principle in reference to such outlays, that if you construct lighthouses or harbor [sic] of refuge in the St. Lawrence, and that the object was to facilitate communication, the people of Western Canada were just as much interested in such public works as those of Lower Canada. This constant reference to what was spent in Lower Canada, as if it was given specially or exclusively to Lower Canadians, was altogether a mistake.⁷⁴ He hoped the time was not far distant when allusions to expenditures being made for the exclusive benefit of either section of the Province, or any part of it, would be no more made. (Hear, hear.) And he trusted that Upper Canadians in looking to this question, would not entertain those sectional feelings so often evinced by them in that House. (Hear, hear.) Now the Inspector General had referred to a work which he (Mr. Y.) as a Government agent, was much interested in, he referred to the navigation of Lake St. Peter. Had not that work been recommended as one of public advantage, and had not Government spent £80,000⁷⁵ [OR] £83,000⁷⁶ in trying to deepen it? The object of that work was this. It was created for the purpose of bringing from sea a much larger vessel than could now come up near to the western portions of the country. (Hear, hear.) Was not the whole result of its creation to cheapen the cost of transport and of freight; of outward and inward cargoes. It ought, therefore, to be looked upon as a public work, and it had surprized him to hear the Inspector General

state the principle, that because you give a person a right to charge himself with a toll, that therefore the public should pay for it. He took it that the Inspector General had consulted his colleagues upon the matter, and had resolved that nothing should be given to go on with the work of deepening Lake St. Peter.⁷⁷

MR. INSP. GEN. CAYLEY said, he did not refer to the subject.⁷⁸

MR. HOLTON had called the hon. gentleman's attention to the expenditure upon this work, and the object of his hon. friend (Mr. Young) was to know whether the expense of going on with it, was to be paid out of the public chest or not.⁷⁹

MR. YOUNG ... [said, he] might have been mistaken. As to the harbour of Montreal,⁸⁰ he would admit that at an early period £150,000 had been expended in its building. But⁸¹ he thought the people of that city could refer to the fact with pride, that up to this moment the government had never been called upon, the interest of the money that was appropriated having been regularly paid up. Although that was a local work, and a very large one, yet he held that the facilities which that harbour presented to the whole country, in the cheapening of freight and charges upon produce, were very great. He contended for the principle that whatever public work was for the benefit of the country, it should be paid for by the public money. The Inspector General had evidently referred to him (Mr. Young) when he alluded to the opposition side of the house, as being the mover of an amendment to the Tariff last session. He would refer to the remarks that he (Mr. Young) then made — they were to the effect, that he would be the last one to do anything to lessen the Tariff, or in any way to injure the credit of the country, by not giving the Inspector General a sufficient sum to meet his demands. (Hear, hear.) And the *ad valorem* duties being calculated upon the balance of 1854, he thought it exceeded by some £10,000 the estimates made by that hon. gentleman himself. At that time he (Mr. Young) among several others, was entirely ignorant of a great many other items of expenditure which were afterwards included in the Estimates. He remembered differing entirely from the Inspector General in reference to the effect of lowering the duties upon sugar. He then contended that the duties upon that article were too high, and that the effect would not be to reduce them to the extent which the hon. gentleman expected, in fact they would be increased. Now when he saw the fact stated by that hon. gentleman, that notwithstanding the reductions that were made in sugar, that there was only £14,000 reduction from the gross amount, it went far to show that the principle for which he (Mr. Young) then contended was right. With regard to molasses, the same argument of course would prevail, and upon that article, by the present scheme, there was only a reduction of £6,180. He would not now discuss the Grand Trunk Company question; he was not prepared to offer any opinion upon the subject. Although he had opposed the company in several stages, he had done all that he could to prevent the unhappy state of matters as they stood at present; and he should not shrink now, as a member of that House, from giving the subject that consideration which he thought it deserved. But he differed from the Inspector General in thinking that, when the railways now under progress were completed, a very large revenue would arise from them. He (Mr. Young) believed that they would be a continual tax upon the country for a great number of years, even when well finished. (Hear, hear.)⁸² And sooner or later, this fact would be felt that the only way to give value to our Railway system, was to make the St. Lawrence more navigable, by adding artificial means to give effect to its natural capabilities, in order to make that river our great commercial highway. Then and not till then would their Railways become a great source of revenue. Until such a reformation were effected in our water communication, he felt satisfied the Railway system would still remain unproductive. Six years ago he had made a similar statement, in Parliament, and ever since, his whole experience went to show the truth of what he had then affirmed and still maintained.⁸³

It being now six o'clock, MR. SICOTTE the SPEAKER vacated the chair.⁸⁴

[After the recess,]

MR. BROWN rose and said he had no intention of going into the numerous important questions which had been presented by the hon. Inspector General. They were not in a position to discuss questions of such moment, and would not be until the Public Accounts for 1855, and the estimates for 1856 were before the house. The financial policy of the country — the comparative advantages of specific and *ad valorem* duties — the Railway Policy and the Canal Policy of the country, were all very large and important questions, and deserved earnest consideration; and doubtless when the hon. gentleman presented them in due form separately to the house after the Public Accounts and Estimates were laid on the table, full discussion would be had upon them all. He was very glad, however, that the hon. Inspector General had made the explanations which he had given⁸⁵, in order that we might see our position more thoroughly. But at the same time a great many of those statements were greatly to be deplored.⁸⁶ One point in the hon. gentleman's financial statement he desired to notice. The Inspector General had not made any allusion to the large surplus which he had in his hands at the commencement of the financial year of 1855, (hear, hear,) nor to the surplus he had in his hands at the end of 1855. It would have been very desirable if he had done so, and perhaps he would do so yet before the debate closed. With regard to the letter read by the Inspector General from Mr. Benj. Holmes, Vice-President of the Grand Trunk Railroad he had also a few remarks to make. That letter announced that the Grand Trunk Company were in a state of extreme embarrassment, that not only were they unable to meet the coming interest of the Provincial Debentures lent them by Government — but that the interest on these Provincial Debentures to [the] amount of over £3,000,000 sterling, or nearly £4,000,000 currency due in January last, had not been paid! (Hear, hear.) And the company were quite unable to pay it. This certainly was a very startling announcement — but far more astounding was the statement which accompanied it by the Inspector General that until within the last few hours he did not know and had not heard that the past due interest was unpaid, or the coming interest likely to be thrown upon the Province. (Hear, hear.) He (Mr. Brown) did think the house entitled to fuller explanations on this point. The hon. Inspector General was bound to have told the house whether those Debentures were lying in the London Money Market under protest, or in what manner the interest had been met.⁸⁷

MR. INSP. GEN. CAYLEY said all the explanation he had was contained in Mr. Holmes's letter.⁸⁸

MR. BROWN did not think this a matter on which the Inspector General could hand them over to Mr. Holmes, or any other person. It was a matter on which he himself ought to be the very best authority as Finance Minister of the country. These £4,000,000 of Debentures were no doubt in the hands of many persons throughout the United Kingdom; the interest on them was payable in January last, at the office of the Agents of the Province in London; and no doubt they were duly presented for payment of the half year's dividend. Now, the first question was this, was the interest duly paid? If paid, from what source did the money come — from the company, from the contractors, or from the Province? If the dividends were paid by the funds of the contractors or of the Grand Trunk Company, the house had nothing whatever to do with it. But if these dividends were paid out of monies of the Province, then he would ask, how was it that the Inspector General did not know of it? (Hear, hear.) Was it possible that the Government Agents could take upon themselves the expenditure of so large a sum without the instructions — nay, without the knowledge of the Inspector General? Aye, even if they but stepped in to save the credit of the Province, anticipating that these Debentures would be protested, was it credible that such a fact would not be communicated to the Inspector General by the very first mail? And if such a communication had been sent to the honorable gentleman's department, was it to be believed that he had allowed the matter to remain in his bureau, without taking one step in the premises or giving the house the slightest information. It was due to the hon. gentleman's own credit to explain the state of this matter fully to the house. (Hear, hear.) Who could believe that he was in ignorance of such a fact, as that nearly half a million of dollars had been paid for him more than three

months ago, without ins[t]ruction? He (Mr. Brown) did not agree with the Inspector General, that the failure of the Grand Trunk Company had fallen upon the Province like a thunder-bolt. It was not so. A large portion of the public had always anticipated such a result, and many of the honourable members now sitting on the Opposition benches had with himself (Mr. Brown) the satisfaction of recollecting that they had never given one vote for the Grand Trunk Railroad Bill, and for this very reason, that they felt it was a delusive scheme, and clearly foresaw that these Debentures would have to be protected by the Province. But the hon. gentlemen on the Treasury benches [sic] had been assuring the house all the way through, that the Province never would be called upon to pay one sixpence of them. Much, however, as he disliked the whole scheme, and confidently as he had anticipated the very position in which they now found themselves, he (Mr. Brown) had not conceived that the bubble would burst so soon, and that the House would be called upon in 1856 to meet the burden of debentures issued only the year before! (Hear, hear.) It only showed how the house could, with its eyes open, be led into a scheme ruinous to the country, and which, had it been looked at dispassionately, would have been rejected with indignation. He had had occasion, during the last few days, to look over the votes given by hon. members on this question since the commencement of the company, and at the debates which had at various dates taken place, and he confessed that it appeared to him more than ever astonishing that the house could have been led into such votes year after year, with the present results as certainly before them as they are at this moment. In one proposition he entirely coincided with the Inspector General; namely, that no matter what consideration the country has had for those debentures, how they have been applied, or whose hands they have gone into, the credit of the Province is pledged to meet them, and they must be paid to the moment. (Hear, hear.) The hon. gentleman, he was persuaded, would find every member of the Opposition ready to aid him zealously in this. But beyond paying the interest on the debentures lent to this company, there was something more to be done, and that was as to the recovery of that interest back from the company. What had the hon. gentleman to propose in that direction? And there was another point on which the hon. gentleman spoke, but had not given the desired information; namely, what was to be done with the Consolidated Loan Fund Debentures?⁸⁹

MR. J. [OR S.] SMITH. — Hear, hear.⁹⁰

MR. BROWN. — If the hon. member for Northumberland who cries “hear, hear,” is to present a petition one day asking that his town shall be relieved of £150,000 of just liability to the Province, and another hon. gentleman only six miles off from him, is to present another petition, asking to be relieved of £125,000, and other like applications are to be dropping in every week, and the interest meanwhile lying unpaid — the matter will soon assume a more grave aspect. The hon. gentleman must not fold his hands over such matters; some policy must be applied for the recovery of the interest. In a statement recently brought down by Government in reply to an address moved for by Mr. Bureau, it was shown that sums were given from the Consolidated Loan Fund to municipalities to which their wealth and extent in no shape entitled them — nay, to an extent in itself ruinous to the very corporations borrowing the money. The return showed conclusively the absence of all caution or care on the part of the Executive, further than serving a momentary political end. Some of the municipalities could get nothing at all, but enormous sums were given by the Government to their supporters. (Hear, hear.) The Inspector General had said, “Here is a large amount of interest thrown upon us by the Grand Trunk Company default — here is a sum of £240,000 per annum thrown upon the Province — there are just three ways of meeting it, either by direct taxation, borrowing the money, or increasing the Customs’ duties,” and he proceeded to foreshadow a scheme for increasing the Customs duties 25 per cent.! He (Mr. B.) could not help feeling astonished when he heard that statement of the honourable gentleman’s, for a few days before, in answer to the honourable member for Montreal (Mr. Holton), the Inspector-General distinctly stated that he had no intention of changing the customs’ duties this session! (Hear, hear.) Was this increase of the customs’ duties the determination of the last hour, and all flowing from Mr. Holmes’s letter? Was the Inspector-General in such ignorance of the affairs of the Grand

Trunk Company, of which his colleague was President, and he himself a director, that he did not know until this afternoon, when this letter of Mr. Benjamin Holmes was put into his hands, that he would have to increase the tariff of the country? Was it conceivable that this Company had been in a state of serious embarrassment for months back, and yet that the salaried Government Directors were not at all aware of it?⁹¹ Were the Government kept in such a state of ignorance that they did not know that the interest of the money was not paid since last January?⁹² What a complete answer was this to the allegation that Government Directors were required in the Company to protect the public interests! It had been constantly pointed out by himself, the hon. member for Montreal, and other hon. members upon the Opposition side, that there could be nothing so demoralizing to the Government, or hurtful to the railway interests of the country, as to make the Ministers of the Crown paid directors of railroad companies (hear, hear.) Could anything be more unseemly than the Inspector-Gen. of Canada and two or three of his colleagues, drawing \$1000 a year each from Messrs. Jackson, Brassey & Co. — (hear, hear) — as directors of their bubble scheme? Nay, did not this very fact account in some measure for the reckless extent and manner in which this company had been bolstered up to the injury of the public. Never was a disclosure made to Parliament more discreditable to the Government of a country, or more injurious to the credit of the country, than this statement which had been made that night, by the Hon. Inspector General; and unless that gentleman was prepared to grapple with the exigencies of the moment in a different way from what he had done heretofore — if he continued to sit in his place coolly allowing things to go on their own way, until Mr. Holmes or someone else informs him that \$16,000,000 of debentures were under protest, matters would before long come to a pretty pass. (Hear, hear.) The hon. gentleman left the financial affairs of the country, when he last went out of office, in a thorough state of embarrassment, and it was only when a firmer man took his place that they were restored to a better condition. Was it not apparent that the hon. gentleman was rapidly repeating the same game, and was rapidly bringing the affairs of the country into a similar unfortunate position? (Hear, hear.) He hoped the hon. gentleman would see the necessity of grappling with these matters in a very different way from what he had heretofore done, and especially that instead of increasing the custom's duties, he would apply himself to cutting down the expenditure that the Grand Trunk interest might be saved from the large sum annually wasted on schemes for buying political support to the Government.⁹³

MR. GALT confessed that this subject was a difficult one, and by reason of the delay which had taken place in bringing down the Public Accounts it was impossible for hon. members to arrive at correct conclusions. The statements made by the Inspector General were in many respects imperfect, and it was desirable that the House should have all additional information by the production of the Public Accounts. He would call the Inspector General's attention to some of the points touched upon. With regard to the revenue of the past year the hon. gentleman had said that, if the wishes of the Opposition had carried during last session, that then the revenue, instead of being nearly equal to the expenditure, would have been considerably deficient. Now, the House would remember, as the Hon. member for Montreal (Mr. Holton) had stated, that at that time the House was not in possession of the estimates for the then coming year, or of the estimates of the former year. There was an impression that a very large balance was at the credit of the Province, and they therefore could see no propriety in continuing taxation upon the people of the country, when there were ample means to meet all engagements of the Government. Subsequently, when the Inspector General brought down his estimates, it was found that an outlay advised by Government had been made, and that by that means, the balance which we supposed to exist, had been all expended; and when the Inspector General asked for authority to contract a loan to meet any possible contingency that might arise, hon. members of the Opposition stated, that if the Government thought fit of themselves to take that authority, that it should be granted to them. He (Mr. Galt) had understood the hon. gentleman to say, that there was a surplus of £22,000 on the revenue of last year. He had also said that there was £13,000, or thereabouts, on the Premium Bonds, upon the negotiation of the recent Loan in England. Therefore, in reality instead of there being a surplus, there would have been a deficit of £21,000. (Hear, hear.) The Hon. gentleman omitted to

give the House any information with regard to the Loan, by which the sum of £42,000 of Premium Bonds was obtained. Now be thought it important for the House to be informed of the circumstances under which the Loan of £350,000 had been negotiated in England. Everybody was ignorant of it. (Hear, hear.) Again, there was a sum of about half a million of pounds which matured during the year that has now expired. It would also have been of interest to the House and Country to have known, what arrangement he had made. He (Mr. Galt) presumed, that the Loan was paid when it fell due, but it should be shown, what proportion of it was laid out of the Bureau, and what by public hands. If he recollected right, there was a sum of £160,000 invested in the English Consols. He remembered that the Committee on Public Accounts drew the attention of the House to the fact, that that large sum would only bring a small rate of interest in England. It would have been satisfactory to have known that that sum had been applied to the redemption of the debt. Then the hon. gentleman had not alluded to the payments under the Clergy Reserves Commutation Act. It would have been well for him to have stated what the sums were which had been paid, and whether in money or securities. The hon. gentleman had taken credit in his account, of £130,000⁹⁴ [OR] £100,000⁹⁵ for Public Works, but he has admitted that the outlay for the management of those Works, in some cases even exceeded the total Revenue of the whole Works. If that were the case, the hon. gentleman might have omitted the reference that he made to the projects, respecting the St. Lawrence Canals, because if the result was that there had never been any revenue from those Works, it must be evident that those individuals could not be far off, who wanted to secure improvements to them, which the House was led to believe this night, that the Government were not prepared to undertake. No more fatal argument could be made by any statesman, than one which regarded the Great St. Lawrence as a Lower Canadian source of Revenue. It was a National Revenue, and he hoped it would yet bear upon its bosom one of the largest Commerces which the world had ever seen. (Hear, hear.) He would not enter into a description of the Grand Trunk Railroad now. He therefore would not at present reply to some points made by the Honble. Member for Lambton, which he (Mr. Galt) thought were incorrect in regard to the Company. (Go on, go on.) The Inspector General was quite able to reply to the Honourable Member, being a Director himself of the concern. If the statement of the Inspector General were correct, that the interest was paid by the Agents on account of the Province, it was then most unpardonable, that the hon. gentleman should have remained in doubt in regard to that Company being in difficulty. The appointment of the Engineers was very recently made, but he did not think that the Government were free from blame in this matter. The intention of the House was, that this examination should be made immediately after the passing of the First Act which took effect on the 5th of May last. The hon. gentleman had stated that the estimated amount of work to be done to complete the Works of that company from Stratford to St. Thomas, about two miles, would be about £400,000, and had also admitted that there was in possession of the Government an amount of unrealized Bonds of about £500,000. Now that statement had a most important bearing. If the Government had in their hands an amount larger than sufficient to complete this work, and if the Contractors had only £400,000 of work to do, he could see no reason to suppose, that any failure would take place by the contractors in nonfulfilling their agreements. (Hear, hear.) How could it be charged against those gentleman who had under very great difficulties striven to carry out their strict engagements, that they had been backward? If it were to be shown that they have ample means to complete what they had to do, it was not fair to assume, that upon their part there would be a failure of contract.⁹⁶ The hon. gentleman then referred to the letter from Mr. Brassey which appeared in the city papers, and which set forth that the contractors were not able to meet their engagements. This letter, he said, was entirely ... [disproved] by the statement of the Inspector General to-night. Not only that, but it was most honorable to the contractors to carry on the work thus far.⁹⁷ It was clearly an engagement between the Shareholders and the Province, not the Contractors and the Province. He was glad to hear the Inspector General remark, that he had no doubt of the ultimate success of the Company. But unless he (Mr. Galt) could see his way more clearly than he did now, he could not share the hopes of the hon. gentleman. (Hear, hear.) Instead of the company coming before this Government to offer a guarantee of five per cent, they had come to ask the Government to pay the interest in

January and July.⁹⁸ He did not intend to have spoken on the Grand Trunk question, but was anxious to state the matter in its true light. He did not wish to see this matter come piece-meal before the House. He desired to go into the matter fully. The hon. Inspector General had not stated that the interest of the money would have to be continued; but he quite agreed with him when he stated that if it has to be continued, a permanent provision should be made for it. At the same time he did not agree with that gentleman's mode of making that provision.⁹⁹ He (Mr. Galt) would object to the increase of the Customs duties. The Inspector General had dismissed with one word the case of the Northern Railroad running into Toronto, although he said he was obliged to pay the half year's interest up to January last. It was not fair to allow the idea to go forth to the people of the country, that the only Railroad which has caused embarrassment was the one for which assistance was so necessary. Most of the Municipal Loan fund had been applied to Railroads, and he would ask honorable gentlemen connected with those Railroads, whether the Municipalities had not been disappointed. The Inspector General had put the Grand Trunk Company forward as a reason why the people of this country should allow an additional tax to be levied on the Customs. He should have felt, that there were other concerns to which the Province was pledged, and as to which there was an equal failure. Was there not likewise this Seigniorial Fund? What was to be done with that? When the honorable gentleman proposed to increase the Tariff, he must provide for that Commutation. He (Mr. Galt) did not mean to discuss the question of ad valorem duties. When the Inspector General brought down his Resolutions he would move the principle of ad valorem duties in opposition to specific. He did believe that the mind of the commercial people of the country was allied to the former system. It might be possible for the honorable gentleman, if he felt that the affairs of the country are in such a state that he could see no other way out of it than to have permanent taxation, to hold the argument but it could not be a sound policy, that after having expended \$10,000,000, and almost completed the most valuable internal water communication in the world, and a railroad communication extending from east to west, to indirectly tax through means of the Tariff. It might be some time certainly before these Public Works are remunerative, but that is no reason why we should despair.¹⁰⁰

MR. MERRITT fully approved of the Government having presented this matter to the House at such an early day.¹⁰¹ He was sure there could be only one feeling in the house and in the country on the statement of the hon. the Inspector General, that a sum amounting to £4,700,000 was added to the obligations of the country on account of this Railway. Not only was this the case but one-eighth more was due for bonds payable in England. It was due to the country that they should examine into the causes of the failure of the enterprise on which so much money had been expended and such obligations incurred. Could they possibly have expended this sum in 2 or 3 years? Well the case was so, and for this and the other constantly recurring evils of the same character it would be the business to provide a constitutional check. (Hear, hear, and derisive cheers.) It was no use to trust to change of administrations. He would trust no one with the exercise of this salutary power. A ministry would propose a loan of two or three millions of pounds. Where was the constitutional check?¹⁰² In the present system, he would maintain, there was not a particle of responsibility. It was, a delusion and a snare¹⁰³. However, that system would break down in two years. And even in the present session it was his intention to move to amend the Union Act. As to the case in hand it must be met. It must be met in the only way in which it ought ever to have been looked at; they would have to borrow the money from the English people, and pay the debt by¹⁰⁴ [creating] a sinking fund out of the difference between European and Canadian stock. The means of providing for this debt was, he considered, the great question of the Session — and he felt satisfied that his remedy was, under all circumstances, the most feasible.¹⁰⁵ The hon. gentleman made reference to the accounts of former periods, particularly to 1849, when he said they had a fixed policy. At that time the finances of the country were in a depressed state, and he said that since then the debt of the Province was increased 500 per cent. He also passed in review the operations of railroads since 1849, and the enactment of the Provincial Guarantee. In 1853 the Government had handed over two millions of debentures to the Company before anything was done. The interest

had been paid out of the principal. However, the debentures were out and they must be met. He said there was much truth in Mr. Brassey's statement; the state of things had been overrepresented and the end of it would be that unless they paid the debt they had contracted, the company would have the stock and the Province the railroad. If the obligations were not met, this was not the last or the principal loss; it would be a stoppage to all improvement. This must not be. They had got for their five millions the railway completed from Montreal to Brockville, 147 miles. They had got this road for their five millions; much more than this never had been really intended. It was never intended that it should be completed to Sarnia. To provide for the enormous debt it had entailed upon the country there was no means save to get aid from England. They must pay their debt, and provide the means of it by taxation, for the road itself would never pay. The Government of Canada, however, had credit, and must avail itself of that credit to get out of the scrape with honor, and discharge her just obligations.¹⁰⁶

MR. FERRES had never heard a more luminous statement than that of the hon. Inspector General. He considered that it presented a complete view of the finances of the country. It was not his fault that they were not more favourable, and while they were looking for the cause he thought they might apply the accusation to more than one of the gentlemen on that side [of] the house and say "Thou art the man!" The hon. member inveighed against the representations which had been made of the aspect of the road, and of its capability to pay at least 11½ per cent. The hon. member for Sherbrooke appeared to claim to be a supporter of the Government; he was himself inclined to look with much suspicion upon the professions of kindness which came from that quarter. He was not now using the language of to-day. Five years ago he had told the people by writing that it was a delusion. He spoke with great sarcasm of the virtuous and righteous indignations of the member for Sherbrooke (Mr. Galt) when he spoke of the Grand Trunk Railroad, and he described it as a glorious piece of acting. It was the Northern Railroad, forsooth, — the interest of the Provincial liability being £18,000 in the half [sic] year — which was going to beggar the finances and ruin the prospects of the Province. It was this which had produced the difficulty — not the £350,000 — no but the £18,000! Was ever such a speech made as that they had heard from the hon. gentleman, which could deceive no one, and would interest no one who carried a head about his shoulders. If the Grand Trunk Railroad Company was in difficulties it was of course a matter of regret, and it was by so much more as the government of the day had undoubtedly assisted to offer a pledge of 11½ per cent., interest. Perhaps it had also been somewhat aided by some honourable gentlemen not on that side [of] the house, who, it was said, had received handsome considerations for *not* going on with the Railway.¹⁰⁷

MR. HOLTON begged the hon. members on the Treasury benches to correct statements made by their supporter, which they had very good means of knowing were not fact.¹⁰⁸

MR. FERRES retorted that the truthfulness of the remark was the sting of it. As to the other observation of the hon. gentleman, he was quite willing to be considered the supporter, as he was indeed the friend of the hon. the Inspector General. He could not be supposed to know the amount of what the contractors got for doing nothing.¹⁰⁹

MESSRS. HOLTON and GALT called for the figures.¹¹⁰

MR. FERRES would not pretend to indicate the amount of the cheques which had been filled up, but if they got it, he might very well ask who had caused the embarrassments? The member for Sherbrooke had attacked the Inspector General for putting the tolls of the works among the revenues of the Province. He must, of necessity, take account of them among the rest.¹¹¹

An altercation ensued betwixt the hon. member addressing the house and MESSRS. GALT and HOLTON, who felt themselves aggrieved by the observations just repeated¹¹².

It was some time before the cheers of the house and the interference of MR. SICOTTE the SPEAKER could establish order.¹¹³

[MR. FERRES] proceeded to animadvert on remarks made by Mr. Galt, particularly where he had intimated that the retaining [of] the £500,000 to answer to an obligation of £400,000 had occasioned the difficulty. He considered that the stockholders had gone into the project upon the faith of the representations made by the Government of this country. The Government was pledged to pay them some interest, and Mr. Brassey, had in his judgment made a just claim to some remuneration. Three years since he had maintained that the Province would be bound to do something if the case happened which had occur[r]ed. He was himself disposed to look on the stockholders with favour on account of the pledge thus given. The faith of the country must be left untarnished. The hon. gentlemen [sic] says he has not the same faith as that of the Inspector General.¹¹⁴ If after inducing the shareholders to embark in the transaction, the people of this Province were then to turn round on them and tell them they were utterly ruined, that they would not receive the least assistance — then he would say it was one of the most extraordinary cases of political life he had ever heard of. With respect to the tariff, the hon. gentleman stated his intentions of deferring his opinions thereon, until the hon. the Inspector General came down to the House with his schemes. He would say, however, that he was decidedly in favor of specific duties whenever they were attainable. He did not mean to say they were attainable. He did not mean to say they were the fairest that could be levied, or that they would be a sure preventative against fraud; but he would maintain that the temptations to fraud and the possibility of indulging in it, were taken away, in a great measure, by specific duties.¹¹⁵

MR. A. DORION complained that the honorable member who spoke last had permitted himself and been allowed by the members on the Treasury Benches to state that¹¹⁶ the hon. members for Sherbrooke and Montreal had received large sums from the Grand Trunk Railway for doing nothing. Now, he would deny that assertion. He knew full well that those hon. gentlemen received [sic] nothing for doing nothing; and every 6d. they obtained had been on the certificate of the engineers.¹¹⁷

MR. FERRES said that as the hon. member for Montreal had named those two gentlemen as the parties alluded to, he would like to know whether those hon. gentlemen had received any amount for not carrying on the road to Sarnia; and if so, what was it? (Cries of order.)¹¹⁸

MR. SICOTTE the SPEAKER interposed amidst the clamours of the house to enforce the rule of order.¹¹⁹ [He] would intimate to the hon. member for Montreal that no name had been mentioned by Mr. Ferres.¹²⁰

MR. A. DORION said that the member for Brome had named "contractors," and pointed to that side of the house.¹²¹

MR. FERRES then stated he would withdraw his last question.¹²²

MR. A. DORION (Montreal) contended that the hon. gentleman had mentioned the hon. member for Sherbrooke frequently during his speech, and that there could be no mistaking the other hon. gentleman hinted at as the member for Montreal (Mr. Holton).¹²³ He says they took a contract from the Grand Trunk Railway. It is not so. He had risen to correct those statements and not to enter into a discussion on railway policy.¹²⁴ As to the other subjects involved in this debate, he would reserve his opinion thereon until the Government measures were brought down.¹²⁵

MR. FERRES in reply to a former observation said the contract alluded to was ended before the Grand Trunk went into operation.¹²⁶

MR. HOLTON begged to ask whether the hon. gentleman withdrew the statement that they had received some amount of money for abandoning work¹²⁷ [OR] whether he withdrew his assertion respecting the hon. member for Sherbrooke that he had received a large amount of money as damages for abandoned work?¹²⁸

MR. FERRES. — I withdrew it.¹²⁹

MR. HOLTON would merely say, deliberately in the face of that House, and of the country at large, that the insinuations thrown out by the hon. member for Brome were utterly unfounded in fact; and that the gentlemen on the treasury benches, whose follower the hon. member for Brome is, should — and indeed, perhaps, did — instruct him in regard to what he had stated. Those hon. gentlemen were now in a position to confirm what he (Mr. Holton) then stated; and he hoped they would speak out in the matter. He did not intend to take any part in this debate; for he considered that the various points advanced in the speech of the hon. Inspector General had been sufficiently met by the speeches of his hon. colleague from Montreal, the hon. member for Lambton, the hon. member for Sherbrooke, and the other hon. gentlemen who had replied, on his side of the House.¹³⁰ But when injurious allusions were made, it was necessary to depart from his purpose. Whilst he confessed himself to be as ardent a politician as any, he was not guilty of making any personal reflections against any hon. gentlemen. The fact he took to be that the movement of the hon. member was not spontaneous.¹³¹ If he were disposed to go into the antecedents of the hon. member for Brome, in connection with railway contracts, he could tell a tale which would not be at all agreeable to the feelings of that hon. gentleman. But he would refrain from doing so — such a proceeding had never been his purpose, nor his practice.¹³² Mr. Galt, too, he begged to add, had been misrepresented as holding out expectations while at the same time saying that the railroad would never pay, that was, unless the work were extended and the Victoria bridge built.¹³³

MR. INSP. GEN. CAYLEY in an extended speech replied to the various observations which had been made by several speakers on the financial statement which he had made. He allowed that it was far from complete, being brought forward to elucidate the matters more particularly bearing on the Grand Trunk difficulty, and being pressed upon the ministers by the reiterated and impatient questions of members.¹³⁴ He had been accused by the hon. member for Lambton, of keeping back from the House the fact, that the interest due on the Grand Trunk debentures in January last, had not been paid. But he would say that his own knowledge on the subject had been necessarily limited to the receipt of the letter in question. And when he asked the House to make provision for these liabilities, it was, in fact, a matter of less moment to do so now, then [sic] when the undertaking had been commenced; for the whole extent of the liabilities must have been paid. He would again remark, however, in reference to these explanations, that it was no fault of his that he had been hurried into them. Day after day he had been importuned to come to the House with a statement of the course intended to be pursued by the Government in this important matter. It was in vain to tell hon. gentlemen, that owing to his imperfect acquaintance with the facts of the case, it was impossible to comply with their unreasonable demands. And even now, that he had presented his statement, he had to inform them, that he had not received that financial statement from the Grand Trunk Company to which he had alluded three nights ago. He had no object in concealing anything in reference to this matter. Nor had concealment ever been his policy. He was one of those who believed, that if there was any apprehension of danger, it ought to be met boldly, and at once.¹³⁵ He did not know that the Grand Trunk Company was a defaulter, but the agents of the Government would duly inform them on the point; it would not be left for the notary. As to the Municipal Loan Fund which had been alluded to by the member for Sherbrooke, the present Government never initiated that fund. He himself was strongly opposed to it. He always saw how dangerous was the temptation to corporations held out by the facility of procuring money under the provisions of the act.¹³⁶ He had always expressed it to be a most unlimited means of giving away money,

with an exceedingly limited means of exacting prompt payment. The scheme was, however, a pet of the Government, and had received their sanction. Thus the language of the Government to the Municipalities, was, in effect, "Let your by-law be legal and borrow what you can." The consequence was that they borrowed largely, trusted to Providence, and when pay-day came round, discovered that they had nothing to meet their liabilities.¹³⁷ What the Government could do, however, in the circumstances, to check the evil, they had done, and had put a limit to the assistance claimable. The honourable gentleman continued to explain upon the several matters adverted to by preceding speakers.¹³⁸ With reference to the Grand Trunk Company, he would say that¹³⁹ he was not responsible for the measures of his predecessors, but they had recommended the vote of £1,500,000 to carry on the works which would else have been stopped and become useless. Every part of the plan of the works had been made before their accession to power.¹⁴⁰ They were simply carrying out the design of their predecessors. And all that was said last year advocating the abandonment of this enterprise, came too late. The time was past for retracing our steps. If a blunder had been committed, it was when the scheme was first launched into existence. He believed, however, that this scheme would tend to promote the general interests of the country. He would not reproach the Contractors, for he believed they had been mistaken, and he felt for their present position. One could not look upon their position without regretting the necessity which now placed them on the brink of ruin. We can feel for the unfortunate necessity which reduces them to their present straits.¹⁴¹ Every one would hope that the contractors may be able to extricate themselves from the embarrassments in which they were involved. The member for Lambton had said for the support of the credit of the country he was ready to lend every aid in his power. That honorable member did not, however, it seemed, intend to help the Government, except by telling them to economise. The member for Sherbrooke had not done him justice in his remarks, because he was not aware of the extent to which, without the consent of the house, assistance had been given. The honourable member says I gave no account of the Clergy Reserve Fund, while the hon. member for Lambton says I gave too much.¹⁴²

MR. BROWN. — Oh! no, I rather complimented you on it.¹⁴³

MR. INSP. GEN. CAYLEY had not taken it as such. He thought the credit of the Province would be sustained, and that every means will be used to enable them to do so. The hon. gentleman mentioned many matters cursorily which were in progress for the advancement of the Province.¹⁴⁴

MR. J.S. MACDONALD [asked a question] respecting the debentures sold for £350,000¹⁴⁵.

[MR. INSP. GEN. CAYLEY] answered ... that Government had the power to renew the debentures; that last year a large amount fell due, and a portion was invested in the 3 per cents, and another portion in 4 per cent. Resuming his explanations he said that it was on the evidence of the engineer that he had felt bound to keep back a large sum, and give a large margin to the expenses to be honoured. £530,000 was the sum estimated by the Grand Trunk as necessary to complete the road from Stratford to Brock.¹⁴⁶

MR. TURCOTTE (in French)¹⁴⁷. — Nous avons entendu l'hon. Inspecteur-Général nous expliquer ses profits pour sortir de l'embarras momentané où vient de nous mettre cette affaire du Grand Tronc et j'ose dire que le vote des Français ne lui fera pas défaut. Quelle qu'ait été l'opinion de chacun concernant cette vaste entreprise, c'est à présent un fait accompli. Pardonnez-moi l'expression, mais je dirai quant à ce *railway*, que c'est un enfant fait et qu'il faut le nourrir. Il n'est pas étonnant que la compagnie se trouve embarrassée au milieu des bouleversements causés par la guerre sur tous les marchés du monde. Sur ce chapitre je passe donc absolution.

Mais je ne puis m'empêcher de blâmer la politique commerciale du gouvernement et l'intention de l'hon. Inspecteur-Général de sacrifier entièrement le système *ad valorem*, le seul qui soit juste, le seul

qui puisse rester populaire. Il n'est pas équitable de faire payer au povere [sic] les mêmes droits sur les denrées de qualité inférieure que ceux payés par le riche sur les denrées de qualités supérieures; et c'est pourtant ce qui arrive avec le tarif spécifique.

Je suis un des amis du gouvernement, mais non pas au point de lui sacrifier une seule de mes convictions et je crois que grand nombre de mes amis désertent aussi les rangs ministériels s'il faut s'y grouper toujours autour de la bannière du tarif spécifique.¹⁴⁸

MR. J.S. MACDONALD would like other hon. members from Lower Canada to rise up like the hon. member for Maskinonge, and stand by their constituents, and speak in equally plain terms to the Administration.¹⁴⁹ The Inspector General could not resist such appeals ... for an alteration in the tariff ... if generally made.¹⁵⁰

MR. ROBINSON. — Tout ce que vous voudr[i]ez, ce serait de voir les amis français du gouvernement et la plus faible lueur d'espoir à ce sujet suffit pour vous jeter dans des transports de joie.¹⁵¹

The House then went into Committee and adopted the following resolution: — "That a supply be granted to Her Majesty."¹⁵²

(289)

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Casault* reported, That the Committee had come to a Resolution.

Ordered, That the Report be received on Tuesday next.

The Honorable Mr. *Cartier*, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General, — Return to an Address from the Legislative Assembly of the 26th ultimo, for a Statement shewing the names of the Trustees and others, of the Trinity Houses of *Quebec* and *Montreal*, and their salaries; together with the other information solicited by the Address.

For the said Return, see Appendix (No. 1.)

Return to an Address of the Legislative Assembly to His Excellency the Governor General, dated the 8th April, 1856, for copies of any Correspondence which may have been had with the Government during the present year, having reference to the construction of the Lake *Champlain* Canal, and the enlargement of the *Welland* Canal.

For the said Return, see Appendix (No. 13.)

The Honorable Mr. *Cartier* also laid before the House, by command of His Excellency the Governor General, — Copy of the Report of the Commissioners appointed to superintend the *Beauport* Lunatic Asylum, for the year 1855.

For the said Report, see Appendix (No. 2.)

On motion of MR. INSP. GEN. CAYLEY,¹⁵³

(289)

The House, according to Order, again resolved itself into a Committee to take into consideration certain Resolutions on the subject of the encouragement of Superior Education and the establishment of Normal Schools in *Lower Canada*;

MR. MACKENZIE opposed the resolutions. If the money to be ap[p]ropriated was to give every Lower Canadian a thorough education, none would go for it more heartily than himself. But its only object was to give a superior education to a limited class, while the masses were left in ignorance. He objected to this House taking upon itself to vote away funds permanently to those purposes. They might trust to the good sense of those who were to come after them to vote annually the proceeds of the Jesuits' Estates. Instead of that they were now about to kill the goose that laid the golden egg.¹⁵⁴

The resolutions were adopted and reported to the House.¹⁵⁵

- (289) and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Evanturel* reported, That the Committee had come to several Resolutions.
Ordered, That the Report be received on Tuesday next.

On motion of MR. PROV. SEC. CARTIER,¹⁵⁶

- (290) The House, according to Order, resolved itself into a Committee to take into consideration certain Resolutions relating to Common Schools in *Lower Canada*; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Masson* reported, That the Committee had come to several Resolutions.¹⁵⁷
Ordered, That the Report be received on Tuesday next.
 The Order of the day for the second reading of the Bill to change the name of *George Byron Lyon* and his family, by adding the name of "*Fellowes*," being read;

On motion of MR. SOL. GEN. H. SMITH,¹⁵⁸

- (290) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.
 The Order of the day for the second reading of the Bill to amend the Act regulating the Inspection of Flour and Meal, being read;

On motion on MR. YOUNG,¹⁵⁹

- (290) The Bill was accordingly read a second time; and referred to a Select Committee composed of the Honorable Mr. *Young*, Mr. *Gamble*, Mr. *Ferrie*, Mr. *Holton*, Mr. *Alleyn*, and Mr. *Stevenson*, to report thereon with all convenient speed; with power to send for persons, papers, and records.
 The Order of the day for the second reading of the Bill for the punishment of the Officers and Servants of Railway Companies contravening the By-Laws of such Companies to the danger of person and property, being read;

On motion of MR. CRAWFORD,¹⁶⁰

- (290) The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.
 Then, on motion of the Honorable Mr. Attorney General *Drummond*, seconded by Mr. *Dufresne*,
 The House adjourned until Monday next.¹⁶¹

Appendix

[NOTICE OF MOTION FOR A RESOLUTION RE: LANDS GRANTED TO HEIRS OF W.B. FELTON IN ORFORD.]

MR. J. DORION gave notice that he would move, That in 1820 W.B. Felton was appointed Government Agent in Lower Canada, for the settlement of Crown Lands, in Stoke, Hatley, Orford and Eaton; That in 1834 and 1835, serious complaints were brought before the House of Assembly of Lower Canada relative to his conduct, who enquired; That on 8th January 1836, the Assembly Committee

declared that Mr. Felton thus knowingly, and fraudulently exacted and received a grant of 10,000 acres more than it was intended to convey to him, and he retains it to this day; That in June 1836, two members of Felton's family gave up to Government 2,402 acres of those lands; That in 1842, actions were instituted against other members of the family, for the recovery of the remainder; That on 30th December, Government obtained a confession in its favor, as to another 1120 acres; That no judgment has been rendered by the Court relative to the recovery of the remainder of said lands; That in 1853, W.L.P. Felton sold to one Abercrombie the 3522 acres disgorged as above; also 1182 acres, concerning which the Court had not given judgment; That in 1854, the same lands were seized by the Sheriff, as being the property of Abercrombie, and advertised to be sold; That on opposition by the Government the sale was stayed; Abercrombie sold the said lands to one Nagle; That Government remains dispossessed of said 10,000 acres, grasped by Felton; That to recover possession of said lands, and for protection of the public domain, the Assembly voted an Address to Gov. Elgin, on 7th March 1855; praying for copies of documents to establish above facts; but That thirteen months have elapsed, and no answer or return has been received thereto.¹⁶²

[NOTICE OF QUESTION RE: MURDER OF DENIS TIERNEY.]

MR. ALLEYN ... [gave notice that he would] enquire of the Ministry what steps have been taken to inquire into the alledged failure of justice in the case of William Burden [sic], stated to have been murdered on the 8th of January last in the Township of Nepean, and if not, whether any will be taken?¹⁶³

Footnotes

1. *Toronto Daily Leader*, 12 April 1856. The reader will note that the introduction of Mr. Supple to the House did not occur at this point in the proceedings but rather during the debate on Mr. Cayley's supply proposal which follows. *Globe*, 12 April 1856, and *Toronto Daily Leader*, 12 April 1856, both report that Mr. Sicotte addressed the House immediately before it adjourned for its six o'clock recess, and that Mr. Supple was introduced "upon the re-assembling of the House," that is, at approximately half past seven in the evening. *Western Planet*, 21 April 1856, notes that Mr. Supple "ranks as a liberal conservative."
2. *Globe*, 12 April 1856.
3. *Toronto Daily Leader*, 12 April 1856.
4. *Toronto Daily Leader*, 14 April 1856.
5. *Globe*, 12 April 1856.
6. *Ibid.*
7. *Toronto Daily Leader*, 12 April 1856.
8. *Globe*, 12 April 1856.
9. *Ibid.*
10. *Globe*, 12 April 1856. *La Minerve*, 23 April 1856, reports the following additional statement about the Customs and Excise duties: "Si le revenu des douanes a été de 18,226 louis au-dessous de nos calculs, par contre, l'impôt d'accise que nous avions estimé à £8,000, s'est élevé à £20,774."
11. *Globe*, 12 April 1856. Unless otherwise specified in footnote, *Globe*, 12 April 1856, and *La Minerve*, 23 April 1856, report the same figures, whereas *Toronto Daily Leader*, 12 April 1856, *Montreal Gazette*, 15 April 1856, and *La Minerve*, 19 April 1856, concur in their reported figures.
Discrepancies in figures when found in only one newspaper are not reported in footnote or in the text, to avoid replicating typographical mistakes.
12. *Toronto Daily Leader*, 12 April 1856.
13. *Globe*, 12 April 1856.

14. *Toronto Daily Leader*, 12 April 1856. *Globe*, 12 April 1856, reports the figure of £349,261; *Montreal Gazette*, 15 April 1856, £308,201; and *La Minerve*, 23 April 1856, £347,261. *La Minerve*, 19 April 1856, concurs with the *Toronto Daily Leader*.
15. *Globe*, 12 April 1856. *Toronto Daily Leader*, 12 April 1856, reports the figure of £803,966; *Montreal Gazette*, 15 April 1856, £80,396; and *La Minerve*, 19 April 1856, £803,996. *La Minerve*, 23 April 1856, concurs with the *Globe*.
16. *Toronto Daily Leader*, 12 April 1856. *Globe*, 12 April 1856, and *La Minerve*, 23 April 1856, concur with this newspaper.
17. *Montreal Gazette*, 15 April 1856.
18. *Toronto Daily Leader*, 12 April 1856.
19. *Globe*, 12 April 1856.
20. *Globe*, 12 April 1856. *Toronto Daily Leader*, 12 April 1856, concurs with this newspaper. However, *Montreal Gazette*, 15 April 1856, reports the figure of £42,000; *La Minerve*, 19 April 1856, £4,290; and *La Minerve*, 23 April 1856, £42,700.
21. *Globe*, 12 April 1856.
22. *Ibid.*
23. *Ibid.*
24. *Ibid.*
25. *Ibid.*
26. *Ibid.*
27. *Ibid.*
28. *Ibid.*
29. *Globe*, 12 April 1856. *Toronto Daily Leader*, 12 April 1856, and *La Minerve*, 23 April 1856, concur with this newspaper. However, *Montreal Gazette*, 15 April 1856, and *La Minerve*, 19 April 1856, report the figure of £10,000.
30. *Globe*, 12 April 1856.
31. *Toronto Daily Leader*, 12 April 1856.
32. *Globe*, 12 April 1856.
33. *Ibid.*
34. *Toronto Daily Leader*, 12 April 1856.
35. *Ibid.*
36. *Globe*, 12 April 1856.
37. *Ibid.*
38. *Ibid.*
39. *Ibid.*
40. *Ibid.*
41. *Ibid.*
42. *Ibid.*
43. *Montreal Gazette*, 15 April 1856.
44. *Globe*, 12 April 1856.
45. *Toronto Daily Leader*, 12 April 1856.
46. *Globe*, 12 April 1856.
47. *Toronto Daily Leader*, 12 April 1856.
48. *Globe*, 12 April 1856.
49. *Toronto Daily Leader*, 12 April 1856. *Globe*, 12 April 1856, and *La Minerve*, 23 April 1856, report the surplus amount for 1846 to be £700,100, whereas *Montreal Gazette*, 15 April 1856, reports the figure of £7,000.
50. *Globe*, 12 April 1856.
51. *La Minerve*, 23 April 1856.
52. *Globe*, 12 April 1856.
53. *Ibid.*
54. *Toronto Daily Leader*, 12 April 1856.
55. *Globe*, 12 April 1856.
56. *Toronto Daily Leader*, 12 April 1856.
57. *Ibid.*
58. *Ibid.*
59. *Ibid.*
60. *Ibid.*
61. *Ibid.*
62. *Ibid.*
63. *Globe*, 12 April 1856.
64. *Ibid.*
65. *Ibid.*

66. *Western Planet*, 24 April 1856.
67. *Globe*, 12 April 1856.
68. *Toronto Daily Leader*, 12 April 1856.
69. *Globe*, 12 April 1856.
70. *Toronto Daily Leader*, 12 April 1856.
71. *Globe*, 12 April 1856.
72. *Toronto Daily Leader*, 12 April 1856.
73. *Globe*, 12 April 1856.
74. *Toronto Daily Leader*, 12 April 1856.
75. *Globe*, 12 April 1856.
76. *Toronto Daily Leader*, 12 April 1856.
77. *Globe*, 12 April 1856.
78. *Ibid.*
79. *Ibid.*
80. *Ibid.*
81. *Toronto Daily Leader*, 12 April 1856.
82. *Globe*, 12 April 1856.
83. *Toronto Daily Leader*, 12 April 1856.
84. *Toronto Daily Leader*, 12 April 1856. According to this newspaper and to *Globe*, 12 April 1856, Mr. Supple, the new member representing Renfrew, asked permission to take his seat in the House immediately before the recess, which led to a short discussion. Mr. Supple was duly introduced to the House upon its reassembling. The discussion has been reconstituted and inserted within the *Journals* references of pages (289) 1288-1289.
85. *Globe*, 12 April 1856.
86. *Toronto Daily Leader*, 14 April 1856.
87. *Globe*, 12 April 1856.
88. *Ibid.*
89. *Ibid.*
90. *Ibid.*
91. *Ibid.*
92. *Toronto Daily Leader*, 14 April 1856.
93. *Globe*, 12 April 1856.
94. *Globe*, 14 April 1856.
95. *Toronto Daily Leader*, 14 April 1856.
96. *Globe*, 14 April 1856.
97. *Toronto Daily Leader*, 14 April 1856.
98. *Globe*, 14 April 1856.
99. *Toronto Daily Leader*, 14 April 1856.
100. *Globe*, 14 April 1856.
101. *Toronto Daily Leader*, 14 April 1856.
102. *Globe*, 14 April 1856.
103. *Toronto Daily Leader*, 14 April 1856.
104. *Globe*, 14 April 1856.
105. *Toronto Daily Leader*, 14 April 1856.
106. *Globe*, 14 April 1856.
107. *Ibid.*
108. *Ibid.*
109. *Ibid.*
110. *Ibid.*
111. *Ibid.*
112. *Ibid.*
113. *Ibid.*
114. *Globe*, 14 April 1856. This newspaper mistakenly identifies this speaker as Mr. Holton. Comparison with other material indicates that Mr. Ferres was speaking.
115. *Toronto Daily Leader*, 14 April 1856. *Globe*, 14 April 1856, ends its report of this speech by stating that "after repeating the above arguments in several forms of phraseology, and with strong emphasis, the hon. member at length sat down, declaring that his prepossessions were in favour of the scheme of the hon. Inspector General."
116. *Globe*, 14 April 1856.

117. *Toronto Daily Leader*, 14 April 1856.
118. *Ibid.*
119. *Globe*, 14 April 1856.
120. *Toronto Daily Leader*, 14 April 1856.
121. *Globe*, 14 April 1856.
122. *Toronto Daily Leader*, 14 April 1856.
123. *Ibid.*
124. *Globe*, 14 April 1856.
125. *Toronto Daily Leader*, 14 April 1856.
126. *Globe*, 14 April 1856.
127. *Ibid.*
128. *Toronto Daily Leader*, 14 April 1856.
129. *Globe*, 14 April 1856.
130. *Toronto Daily Leader*, 14 April 1856.
131. *Globe*, 14 April 1856.
132. *Toronto Daily Leader*, 14 April 1856.
133. *Globe*, 14 April 1856.
134. *Ibid.*
135. *Toronto Daily Leader*, 14 April 1856.
136. *Globe*, 14 April 1856.
137. *Toronto Daily Leader*, 14 April 1856.
138. *Globe*, 14 April 1856.
139. *Toronto Daily Leader*, 14 April 1856.
140. *Globe*, 14 April 1856.
141. *Toronto Daily Leader*, 14 April 1856.
142. *Globe*, 14 April 1856.
143. *Ibid.*
144. *Ibid.*
145. *Ibid.*
146. *Ibid.*
147. *Toronto Daily Leader*, 14 April 1856.
148. *La Minerve*, 26 April 1856. *Globe*, 14 April 1856, reports a statement which differs in major ways from the speech reported in *La Minerve*. It stands as follows: "Mr. Turcotte found fault with the whole Commercial policy of the Government. The present tariff paralyzed all the mercantile interests of the country, and the evil would not be remedied, by the rate of duties being raised. Notwithstanding the high authority of Sir Robert Peel, which had been cited, he would say that what suited England would not suit Canada; and as a friend of the Government, he would recommend them to adhere to specific rather than *ad valorem* duties. If they did not, they would find all the commercial men of Lower Canada against them."
- Toronto Daily Leader*, 12 April 1856, simply reports that Mr. Turcotte "dissented from the commercial policy of the administration. The tariff of the Govt. destroyed the energies of our mercantile men, and was very detrimental to the commercial interests of the country."
149. *Globe*, 14 April 1856.
150. *Toronto Daily Leader*, 12 April 1856.
151. *La Minerve*, 26 April 1856.
152. *Globe*, 14 April 1856. Commentaries on Mr. Cayley's tariff propositions and his observations regarding the financial situation of the Grand Trunk Railway are reported in *Globe*, 12, 14 and 15 April 1856; *Montreal Gazette*, 12 and 19 April 1856; *Niagara Mail*, 16 April 1856; and *Hamilton Spectator Semi-Weekly*, 16 April 1856.
153. *Globe*, 14 April 1856.
154. *Ibid.*
155. *Ibid.*
156. *Ibid.*
157. *Globe*, 14 April 1856, specifies that the resolutions "were adopted with some amendments", whereas *Toronto Daily Leader*, 12 April 1856, reports they were "reported to the House with one amendment".
158. *Globe*, 14 April 1856.
159. *Ibid.*
160. *Ibid.*

161. *Globe*, 14 April 1856, reports that "the House then adjourned at half past eleven."
162. *Mackenzie's Weekly Message*, 18 April 1856. This newspaper reports that this notice was presented to the House "last week", but does not specify the exact date. The notice was therefore arbitrarily inserted in this day.
163. *Western Planet*, 17 April 1856. This newspaper does not specify on what date this notice was presented to the House. It was therefore arbitrarily inserted in this day.

MONDAY, 14 APRIL 1856

(290)

MR. SPEAKER laid before the House, — Statement of the Affairs of the City Bank, *Montreal*, on the 31st March, 1856.

For the said Statement, see Appendix (No. 5.)

The following Petitions were severally brought up, and laid on the table: —

By Mr. *Prévost*, — The Petition of the Reverend *D.J. Brosnan* and others, of *New Glasgow* and vicinity.

By Mr. *Dufresne*, — Petition of *William Berczy* and others, of *Cathcart* and *St. Alphonse*, County of *Joliette*.

By Mr. *Labelle*, — The Petition of *Roger Marshall* and others, of the Parish of *St. François de Sales*; and the Petition of the Municipality of the Parish of *St. Vincent de Paul*.

By Mr. *Egan*, — The Petition of *Edmund Heath* and others, of the Township of *Clarendon*.

By Mr. *Chapais*, — The Petition of the School Commissioners of the Municipality of the Parish of *St. André*, County of *Kamouraska*.

By Mr. *Lumsden*, — The Petition of the Municipality of the Township of *Whitby*.

(291)

By Mr. *Munro*, — The Petition of *Andrew Evans* and others, of the Township of *Cartwright*; and the Petition of *J.W. Howe*, Reeve, and others, of the Township of *Cartwright*.

By Mr. *McCann*, — The Petition of *James O. Gates* and others, Bailiffs of Division Courts in *Upper Canada*.

By Mr. *Gould*, — The Petition of *Charles Robinson* and others, of the County of *Ontario*; and the Petition of *N. McDougall* and others, of the Township of *Thorah*, County of *Ontario*.

By the Honorable *John Sandfield Macdonald*, — The Petition of *A.C. Sinclair* and others, of the Townships of *Kenyon* and *Roxborough*, Counties of *Stormont* and *Glengarry*; the Petition of *John Garshore*, of the Town of *Dundas*; and the Petition of the Reverend *John Anderson* and others, of *Lancaster*.

By the Honorable Mr. *Cameron*, — The Petition of the Orphan Home and Female Aid Society of *Toronto*; and the Petition of *David Ford Jones* and others, of the Town of *Gananoque*.

By Mr. *Loranger*, — The Petition of the Municipality of the Village of *Laprairie*; and the Petition of *John Dunn* and others, of the Seignior of *Laprairie*, *Censitaires*.

By Mr. *Jean Baptiste Eric Dorion*, — The Petition of the Reverend *P.H. Suzor* and others, of *St. Christophe d'Arthabaska*.

By Mr. *Ferrie*, — The Petition of *James Black*, Chairman, on behalf of a public meeting held at *Ayr*; the Petition of the Presbytery at *Hamilton*, in connexion with the Presbyterian Church of *Canada*; the Petition of the Synodical Committee on Sabbath observance of the Presbyterian Church of *Canada*; and the Petition of the Agricultural Society of the County of *Waterloo*.

By Mr. *Darche*, — The Petition of *E. Pages* and others.

By Mr. *Foley*, — The Petition of *William Salmon* and others, of the County of *Norfolk*.

By Mr. *James Ross*, — The Petition of *Richard Shannon* and others, of the Township of *Cramahe*; and the Petition of *E.H. Smith*, Reeve, and others, of the Township of *Brighton*.

By Mr. *Larwill*, — The Petition of *John Prince* and others, of the Town and Township of *Sandwich*; and the Petition of *Francis Martin* and others, of the Town of *Chatham*.

By Mr. *Evanturel*, — The Petition of the Reverend *David Shanks* and others.

By Mr. *Joseph Curran Morrison*, — The Petition of *S. Zimmerman* and others.

By Mr. *Church*, — The Petition of *John Robert Martin* and others, of *Saltfleet*.

By Mr. *Hartman*, — The Petition of *John Anderson* and others, of the Township of *Whitchurch*; and the Petition of *Edward Wheler* and others, of the Village of *Stouffville*.

By Mr. *Price*, — The Petition of *George Randes* and others, of the County of *Chicoutimi*.

(292)

By Mr. *Gamble*, — The Petition of *Andrew Ward* and others, of *Mimico*; and the Petition of the Honorable and Right Reverend *John Strachan*, Bishop of *Toronto*, and the Reverend *F.J. Lundy*, Rector of *Grimsby*.

By Mr. *Antoine Aimé Dorion*, — The Petition of *J.W.A.R. Masson* and others, of the City of *Montreal*.

By Mr. *Southwick*, — The Petition of *F.W. Atkins* and others, Bailiffs of Division Courts in *Upper Canada*.

By Mr. Solicitor General *Smith*, — The Petition of the Trustees of the *Waterloo* Grammar School; and the Petition of *Thomas Porter* and others, Merchants, Traders, and others, of the City of *Kingston*.

By Mr. *Brown*, — The Petition of the Reverend *P. Gray* and others, of the Presbyterian Church of *Ashton*; the Petition of the Reverend *P. Gray* and others, of *Knox's Church, Beckwith*; the Petition of *Andrew Tait* and others, of the Township of *Orford*; the Petition of the School Trustees of the Town of *Belleville*; the Petition of the Reverend *John Greir* and others, of the Town of *Belleville*; the Petition of *T.J. Park* and others, of the Town of *Amherstburg*; and the Petition of the Reverend *William Steer* and others, of *Three Rivers*.

By the Honorable Mr. *Cayley*, — The Petition of *R. Frink* and others, of *Kincardine and Bruce*.

By Mr. *Aikins*, — The Petition of *William Allan* and others, of the Township of *Chingua-cousey*; and the Petition of *Thomas Burrell* and others, of the Township of *Gore*.

By the Honorable Mr. Attorney General *Macdonald*, — The Petition of *Thomas A. Corbett*, Sheriff, and others, of the City of *Kingston*.

By Mr. *Sanborn*, — The Petition of the Reverend *C.P. Reid* and others, of the Town of *Sherbrooke*.

By the Honorable Mr. Attorney General *Drummond*, — The Petition of *T. Spackman* and others, of the Township of *Granby*.

By Mr. *Wilson*, — The Petition of *William Begg* and others, of the City of *London*.

Pursuant to the Order of the day, the following Petitions were read: —

Of the *Stanstead* Library Association and Mechanics' Institute; praying for aid.

Of the *Cassville* High School; praying for aid.

Of the *Stanstead* Seminary; praying for aid.

Of *C.A. Richardson* and others, of the County of *Stanstead*; praying that the *Stanstead* County Registry Office may remain as at present, on *Stanstead* Plain; and also, that a Court House and Gaol may be erected at the same place.

Of the Trustees of the *Newburg* Academy; praying for aid.

Of *Charles Allan*, Warden of the County of *Wellington*; praying that the Townships of *Wellesley*, *Waterloo*, *Wilmot*, and *Woolwich*, may be relieved from all liabilities on account of the construction or maintenance of the *Guelph* and *Dundas* Road.

Of the Municipality of the Township of *Darlington*; of *John Brown* and others, of the Township of *King*; of *H.D. Stiles* and others, of the Township of *East Gwillimbury*, County of *York*; of *John Cuthbertson* and others, of the Township of *East Gwillimbury*; of *Martin Taylor* and others, of the Township of *East Gwillimbury*; of *Adam Duffus* and others, of the Township of *King*; of *Douglas Laidlaw* and others, of the Village of *Holland Landing*; of *Henry Miller* and others, of the Townships of *Markham* and *Vaughan*; of *Walter Simson* and others, of the City of *London*; of *John Sharpe* and others, of the Township of *King*; of *Anthony Eastwood* and others, of the Townships of *King* and *Tecumseth*; of *Edward Vanderlip* and others, of the Township of *Brantford*; and of *C. Latshaw* and others, of the Township of *South Dumfries*; praying that representation may be based upon population.

Of the Municipality of the Township of *Darlington*; and of the Municipality of the Township of *Etobicoke*; praying for the repeal of the Separate School Act.

Of *L.H. Johnson* and others, of the Village of *Wallaceburgh* and vicinity of the Township of *Sombra*; praying that the said Township may be annexed to the County of *Kent*.

Of *W.C. Taylor* and others, of the Municipalities of *Camden* and *Zone*; praying that the allowance for Road between lots numbers twenty and twenty-one may be the boundary line between the Counties of *Kent* and *Lambton*.

(293)

Of *John Hawkins* and others, of the County of *York* and *Peel*; praying that means may be adopted to prevent the unnecessary expenditure of the endowment of King's College.

Of Mrs. *Harriet Nichols* and others, of the Township of *Westmeath*, County of *Renfrew*; of *M.M. Drew* and others, of the Township of *Westmeath*, County of *Renfrew*; of *Joseph Colvert* and others, of the Township of *South Norwich*; of the Venerable *George Okill Stuart*, D.D., and others, of the City of *Kingston*; and of *Joseph H. Hanna* and others, of the Township of *Osgoode*; praying for the passing of a Prohibitory Liquor Law.

Of the *Frontenac* Division of the Sons of Temperance; praying for the passing of a Prohibitory Liquor Law for *Upper Canada*.

Of *Robert Armour*, of *Bowmanville*, County of *Durham*; praying that if *Peterborough East* be formed into a distinct Municipality, no part of lot number thirty, in the twelfth Concession of the Township of *Otonabee*, may be included therein.

Of *A.S. Barber* and others, Bailiffs of Division Courts in *Upper Canada*; praying that the Tariff of Fees allowed them may be increased.

Of the Municipality of the Township of *North Norwich*; praying that the Bill now before the House to establish a General Police Force in this Province may not become law.

Of *Peter Kernen* and others, of the Township of *Emily*; of *John McNaught* and others, of the Township of *Trafalgar*, County of *Halton*; and of *W. Mathews* and others, of the Town of *Brantford*; praying for an Address to Her Majesty soliciting the recall from banishment of *William Smith O'Brien*.

Of *John Laing* and others, of *Scarborough*; of the Reverend *Alexander F. Kemp* and others, Members of the *St. Gabriel* Street Free Church, *Montreal*; of the Reverend *John Crombie* and others, of *Godmanchester*; of the Reverend *Robert Boyd* and others; of the Reverend *Henry Patton* and others; of *Samuel Ault* and others, of the Township of *Osnabruck*; and of the Reverend *James N. Williams* and others, of the Baptist Church, *Montreal*; praying for the abolition of Sunday labor in the Post Office Department, and on the *St. Lawrence* Canals.

Of the Municipality of the Township of *Whitby*; praying for certain amendments to the Clergy Reserve Act.

Of the Provisional Directors of the *Stratford* and *Huron* Railway Company; praying that the time specified in their Act of Incorporation for commencing and completing the said Road, may be extended.

Of the Town Council of the Town of *Cornwall*; praying that the surplus of the Clergy Reserve Fund may be divided among the Municipalities of Towns and Townships in *Upper Canada*.

Of *James Henry Pigott*; praying to be allowed a free grant of Land in any of the Townships in the County of *Renfrew*.

Of *J. Gilkinson* and others, of the City of *Hamilton*; praying for an Act of Incorporation to construct a line of Railway from *Berlin*, in the County of *Waterloo*, to the waters of Lake *Huron*, at or near the mouth of the River *Saugeen*.

Of *James Menton* and others, of the Township of *Sombra*; praying that a portion of the County of *Lambton* may be annexed to the County of *Kent*.

Of *Jean Rinfret* and others, of the County of *Lévis*; praying that the Bill now before the House to prohibit the sale and manufacture of Ale and Spirits may not become Law.

Of the *Varenes* News Room; praying for aid.

Of *Clark Wilson* and others, of the County of *Brome*; praying for the passing of an Act to create the Counties of *Shefford*, *Missisquoi*, and *Brome*, into an independent Judicial District.

Of *Lemuel Cushing*; praying that the legal costs of the Commissioner and of his Clerk, and of the Witnesses in the *Argenteuil* Contested Election, may be paid out of the Contingent Fund of this House.

(294)

Mr. *Joseph Curran Morrison*, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Second Report of the said Committee; which was read, as followeth:—

Your Committee have examined the Bill to amend the Act incorporating the *Hamilton* and *Port Dover* Railway Company, referred to them, and have agreed to several amendments, which they have the honor to report for the consideration of Your Honorable House.

Ordered, That the Bill to amend the Act incorporating the *Hamilton and Port Dover* Railway Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for To-morrow.

The Honorable Mr. *Cameron*, from the Select Committee appointed to inquire into the claim for Income Tax made by the Commissioners of Inland Revenue upon the *Canadian* Securities payable in *Great Britain*, but held by Residents in *Canada*, presented to the House the Report of the said Committee; which was read, as followeth: —

Your Committee having examined various letters addressed by Messieurs *Laurie, Mathison*, and Company, of *London, England*, to the Special Commissioners of Inland Revenue, claiming that the Income Tax chargeable against Residents in the United Kingdom was not properly chargeable upon *Canadian* Securities held by Residents in *Canada*, but payable in *London* out of funds furnished from *Canada*, and asking for exemption from Income Tax upon such Securities; and having also examined the answers of the Special Commissioners thereto, by which they decline to allow such exemption, and state it is allowed only to Foreigners who are holders of Colonial Securities, and not to the Colonists themselves; Your Committee consider that it is not just to the People of *Canada*, that they should be placed in a worse position in reference to their own Securities payable in the United Kingdom, than Foreigners are, or that advantages should be conferred upon Foreigners who are holders of such Securities which are refused to them; and Your Committee having confidence that as soon as the attention of Her Majesty's Government is called by this Legislature, to the claims of Colonists for exemption from this Tax, right will be done, recommend, that an humble Address be presented to Her Majesty, praying that Her Majesty will be pleased to take the subject into Her gracious consideration, and direct the necessary steps to be taken to remedy the grievance complained of.

MR. CAMERON moved that the Report ... be now concurred in.¹

(294) | *Resolved*, That this House doth concur in the Report of the said Committee.

MR. CAMERON then moved, that Messrs. Gamble, Galt, Holton and the mover be a committee to draft an Address to the Queen, in accordance with the Report of this committee, just read.²

(294) | *Resolved*, That a Select Committee, composed of the Honorable Mr. *Cameron*, Mr. *Gamble*, Mr. *Galt*, and Mr. *Holton*, be appointed to draw up an Address to Her Majesty in accordance with the said Report.

The Honorable Mr. *Cameron* reported from the said Committee, That they had drawn up an Address accordingly; and the same was read, as followeth: —

To the Queen's Most Excellent Majesty.

(295) | We, Your Majesty's most dutiful and loyal Subjects, the Commons of *Canada*, in Provincial Parliament assembled, humbly approach Your Majesty, for the purpose of representing that Your Majesty's *Canadian* Subjects holding and owning the Debentures of this Province, and other Securities issued within this Province, payable within the United Kingdom of *Great Britain* and *Ireland*, out of funds furnished from this Province, have been declared liable by Your Majesty's Special Commissioners of Inland Revenue, to the payment of the Income Tax chargeable under Statutes of the United Kingdom, although they are resident within this Province, and not within any part of *Great Britain* or *Ireland*, while Foreigners, whether resident within this Province, or out of Your Majesty's Dominions, who are the holders and owners of the same descriptions of Securities, are exempted from the payment of the Tax. We, therefore, humbly represent to Your Majesty, that Your Majesty's *Canadian* Subjects ought not to have any burden imposed upon them in the United Kingdom, as holders of Securities issued within the Province of *Canada*, from which Foreigners are exempt, nor should they be made liable to any Imperial Tax upon such Securities, merely because they are payable within the United Kingdom, when the means of payment of both principal and interest are furnished from this Province; and we therefore humbly pray that Your Majesty will be graciously pleased to adopt such measures as shall relieve the People of *Canada* from the payment of this Tax, and thereby remove a burden which may become grievous, and which ought not to be imposed upon them.

[On motion of] MR. CAMERON³,

(295)

The said Address, being read a second time, was agreed to.

Ordered, That the said Address be engrossed.

Resolved, That a Message be sent to the Honorable the Legislative Council, informing their Honors, That this House hath adopted an Address to Her Majesty, on the subject of a Claim for Income Tax under Imperial Statutes, on *Canadian* Securities held by Residents in *Canada*, and requesting the concurrence of their Honors thereto.

Ordered, That the Honorable Mr. *Cameron* do carry the said Message to the Legislative Council.

MR. J.S. MACDONALD rose for the purpose of moving that the House resume the consideration of the question which was before the House on the 17th of March. It would be recollected, he said, that when the question of a permanent seat of Government was under discussion on the 17th March, it was then proposed by the honorable member for Toronto, that the further consideration of the question be postponed until such time as the Government were prepared to submit to this House estimates of the cost of erecting public buildings in the various places therein named. That motion was carried, and on the⁴ 28th March,⁵ he moved for a consideration of this question on the 7th of April. In order to give ample time for these estimates to be brought down, the call of the House was postponed to the 14th. The Commissioner of Public Works stated that he would be prepared to come down in a few days with such estimates as would be required. These estimates came down on Thursday night last, and they were now, he considered, in a position to take up the question. These estimates are before the House; and Honorable gentlemen have had time to read them; although, of course they were precluded from testing the accuracy of these estimates. They had, however, to deal with the permanency of Government in the first place, and after that was determined, the appropriation of the money would be a further consideration. As many parties had come here in answer to a call of the House, no time should be lost to discuss the question, whether or not a permanent seat of Government should be determined upon. He had not a word to say upon the question, as it had now been fully discussed.⁶

MR. CAMERON thought it as well at once to rise to a question of order. He saw nothing upon the Notice paper in regard to a seat of Government for to-day, and he did not know how the question could be brought up at present.⁷

MR. J.S. MACDONALD was of opinion that if his honorable friend knew that the permanent seat of Government would be in Toronto, he would second the motion that the discussion be taken up now.⁸

MR. CAMERON. — Most probably I should.⁹

MR. J.S. MACDONALD asked if it was fair that this objection should be raised by the very gentleman on whose motion the question was postponed till the estimates should be brought down? Had there not been a call of the house to-day, to consider the question?¹⁰

MR. LORANGER wished to ask the hon. member for Glengary if he had altered the day for bringing on his motion?¹¹

MR. J.S. MACDONALD. — That was governed by the motion of the hon. member for Toronto, which suspended the consideration of the question until the estimate of probable expense had been brought up by the Government.¹²

MR. CAMERON requested the Speaker to decide the point of order he had raised.¹³ It was as well that they should understand distinctly whether a motion, the further consideration of which has been

postponed, could be taken up at the fancy of any hon. member. If it had been a debate which had been adjourned to a particular day, that would have been a different thing; but he would contend that there must be a notice put upon the notice paper, before this question can come up for consideration.¹⁴

MR. SICOTTE the SPEAKER said there could be no doubt that on the 28th March, when a call of the house was moved,¹⁵ it was the expectation of members of this House, that it was for the purpose of considering the question of a permanent seat of Government. But the motion then agreed to said there should be a call of the House on 14th April, without stating for what purpose, and unless it is the pleasure of the House to proceed upon the motion now offered, to resume the consideration of that question, ... [it] is the right of hon. gentlemen to oppose it. It was their duty to state that the effect of the motion of the honorable member for Toronto — that the consideration of the question be postponed, was to destroy the previous motion. But, of course, it is for the House to express whether, when the call of the House was moved on the 20th [sic] of March, it was not for the special purpose of considering this question. He had no objection to hear any of the gentlemen as to that point of order; but as there was no notice upon the Orders of the Day in reference to the seat of Government, he would rule that the objection raised by the honorable member for Toronto, was valid.¹⁶

MR. J.S. MACDONALD. — Have you ruled that I can make no motion?¹⁷

MR. SICOTTE the SPEAKER. — You can make your motion, and then will be the time to rule whether it is in order or not. Perhaps the learned member for Toronto was premature in objecting to the motion before it was made.¹⁸

MR. CAMERON said he simply rose to a point of order, as there was no notice upon the paper.¹⁹ We could not come to the orders of the day, therefore the house had not yet come to the call of the house, and the motion of the hon. member for Glengary was out of order.²⁰

MR. J.S. MACDONALD considered that his motion merely stood over for the return of the estimate, and it was the duty of the Clerk to continue the notice upon the paper, as he had not dropped his motion, and that the call of the house was for the purpose of discussing the question upon the estimate.²¹ The motion he would now submit was — “That the further consideration of the question touching a permanent seat of Government, postponed from the 17th March, be now taken up.”²²

MR. CAMERON. — I now make my objection to the motion.²³

MR. LORANGER contended that the motion was in order, and that it was the duty of the Clerk of the House to have left the question upon the notice paper. The question had been only postponed until the estimates were brought down.²⁴

MR. BROWN asked if any discussion could be allowed, after the Speaker had given his decision?²⁵

MR. SICOTTE the SPEAKER said, he had merely decided a hypothetical case. But the motion having now been submitted, and an objection raised to it, he was willing that, in conformity with the usual practice, the house should discuss the point of order.²⁶

MR. LORANGER proceeded to argue that from the terms of Mr. Cameron's motion, it was competent for any member to bring up the question at any time subsequent to the presentation of the estimates²⁷. These estimates were brought down on Thursday night, and it would have been quite competent for the House then to have taken up the question, had it been upon the notice paper. The call of the House was fixed for the 14th of April, for the purpose of considering that question; and it was not right that the House should stultify itself by refusing to take it up, especially when the call of the House was made for that very purpose.²⁸

MR. SOL. GEN. H. SMITH considered that the question should have come up on the day the estimate was brought in, and as it was not on the paper, he was of opinion²⁹ that Mr. Cameron's objection must be sustained. The proceedings of the house could only be governed by the notice paper.³⁰

MR. AT. GEN. DRUMMOND said it appeared to him hon. gentlemen could not but admit that the call of the House for the 14th April, was that this question should be taken up. To say anything else was to declare complete ignorance of what took place at the time the call of the House was moved for. It would be fresh in the remembrance of every hon. gentleman that the call of the House was proposed for no other purpose than to take up the consideration of a permanent seat of Government, which had been adjourned for an indefinite period upon the motion of the hon. member for Toronto, and the time at which this call was to be made, was made dependent upon the furnishing of these estimates called for in the motion. The Commissioner of Crown Lands was called upon, and it was understood from him that there would be no risk whatever if the call of the House were called for to-day. If the call of the House was not made for that very purpose, he would like hon. gentlemen to say [for] what ... purpose it was made. (Hear, hear.) He did not think any hon. gentleman would state upon his word of honor that he did not believe it was so. The debate was postponed indefinitely until the estimates could be furnished by Government,³¹ and when those returns were made the hon. member for Glengary or any other member had a right to bring it up. The question had been very fully discussed, and the House should now proceed to its final settlement, and he contended that it was competent for the hon. member to take up the question any time after the bringing up of the estimate.³² He trusted there would be no quibbles resorted to upon this occasion. It was a quest[i]on that must be dealt with, and dealt with fairly and openly at one time or other. He was strongly in favor of a permanent seat of Government, and he would endeavor to meet the question fairly, and as it had to be met, he trusted the House would at once come to a fair decision upon it.³³

MR. J. SMITH concurred in the opinion of the hon. Attorney General East, that the call of the House was made for the special purpose of taking up this question, and that therefore the Clerk of the House should have left the notice upon the paper.³⁴ After a motion had been made it became the property of the House, and the hon. member for Glengary had nothing more to do with it than any other member of the House.³⁵ The House has postponed it until a certain thing happened. This had happened, and it was now for the House to resume the discussion.³⁶ Although he did not agree in the views of the hon. member for Glengary,³⁷ it would, he thought, be giving the go-by to the question if it was now passed over. It was generally known both in the House and out of it that the permanent Seat of Government was to be taken up to-day. He considered that the matter was fairly before the House.³⁸

MR. BROWN said, the house had not decided that the question should actually be taken up. It had only decided that it was inexpedient to take it up till the estimates were brought down, without saying whether the discussion should be resumed or not. (Hear, hear.) But he would suggest that his hon. friend from Glengary would have another opportunity of bringing up the question on a notice on the paper for to-day — "That the permanence of the Seat of Government ought to be a Ministerial measure. And that the Administration by declining to make it a Ministerial measure, have ceased to enjoy the confidence of this house." Let his hon. friend wait till that notice was called, and they would all go for it. (Laughter.)³⁹

MR. SICOTTE the SPEAKER. — The hon. member must remember the House is discussing a point of order.⁴⁰

MR. POWELL said Mr. Brown invariably brought the question round to something bearing upon the Administration, and he then alluded to the hon. gentleman as the tall end of an Administration.⁴¹

MR. SICOTTE the SPEAKER. — Order.⁴²

MR. POWELL. — There was not a member of that House, nor a man in the country but supposed the call of the House was for the consideration of this question, and since the House was in session there had not been so full an attendance as this day.⁴³

MR. PROV. SEC. CARTIER. — The hon. gentlemen wished to have a call of the house for the 7th, but the Commissioner of Public Works, was of opinion that he should not have time to bring in the returns by that time. The house was not taken by surprise and the motion was not done away with by the motion of the member for Toronto, though he thought it should have been taken up the very day the Commissioners of Board of Works brought down the estimate.⁴⁴

MR. SOL. GEN. D. ROSS considered that the motion of the hon. member for Toronto did rescind the order for that time; he had no objection to the discussion of the question, but did object to hon. members having the power to bring up questions of importance without having a specific notice.⁴⁵

MR. COM. PUB. WORKS LEMIEUX, MR. TURCOTTE, and MR. COM. CR. LANDS CAUCHON, each addressed the House in French.⁴⁶

MR. ALLEYN thought it was the opinion of every man in that house, that the question was to be discussed upon the call of the house to-day, and it ought to be now met upon its merits.⁴⁷

MR. SICOTTE the SPEAKER enquired whether the hon. member for Toronto persisted in his objections⁴⁸.

[MR. CAMERON] answered in the affirmative⁴⁹.

[MR. SICOTTE the SPEAKER] said that it was his duty to state that the call of the House having been made without any specific purpose been [sic] stated, the clerk would not have been doing his duty had he taken upon himself to fix the day when the consideration of this question should be taken up. Had the House adjourned upon the consideration of this question, by practice as well as the rules of the House, the Clerk was bound to take this question out of the "Notices of Motion" and to put it upon the Orders of the Day; but he could not place it there without the instructions of the House. He regretted that the objection was persisted in, but at the present moment they could not proceed with it. If, however the call of the House was made, the motion might be introduced.⁵⁰

MR. CAMERON then said that the reason why he had persisted in his objection was, that eight members of the house had not yet arrived. But when the order of the day came up for the call of the house, he should not object to the question being then discussed.⁵¹

MR. J.S. MACDONALD had no objection to postpone; if the Government would agree that it should stand first on the orders of the day for to-mor[r]ow. This course he had been induced to take from the remark of Mr. Cameron as to parties that would not be present to-night.⁵²

MR. AT. GEN. DRUMMOND. — The Government could not agree at all upon anything connected with this question.⁵³

MR. CAMERON. — When we come to the orders of the day, then, if those gentlemen he had referred to were not here, the fault lay with them. He would withdraw his opposition.⁵⁴

MR. J.S. MACDONALD. — Some hon. gentleman could bring the matter on at half-past 7, if the Government would not agree to the proposal that he had made.⁵⁵

MR. GAMBLE proposed that it should be taken up on Wednesday.⁵⁶

The motion was withdrawn, upon the understanding that it would be resumed after the call of the House.⁵⁷

A little discussion then ensued as to proceeding with the orders of the day before the motions.⁵⁸

(295)

Ordered, That the Petition of *Lemuel Cushing* be referred to the Standing Committee on Contingencies.

A Message from the Legislative Council, by *John Fennings Taylor*, Esquire, one of the Masters in Chancery: —

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to facilitate the disuniting of the Counties of *Lincoln* and *Welland* and for other purposes therein mentioned," without any Amendment.

And then he withdrew.

Ordered, That Mr. *Terrill* have leave to bring in a Bill to incorporate *La Chute* College.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

MR. GALT moved, "That an humble address be presented to His Excellency the Governor General, for a return showing the dates when application has been made for releases of Provincial debentures for the Grand Trunk Railroad Company, and to show the amount so applied for and the dates and amounts released since the 1st of January, 1851; also for the copy of any memorial addressed to the Government by the said company since the 1st Jan., 1856."⁵⁹

MR. INSP. GEN. CAYLEY said — Before this motion passed, he wished to advert to a remark which was made in the house on Friday last, with reference to the advances made to contractors upon that section of the line between St. Mary's and Sarnia. (Hear, hear.) He was not himself cognizant of the circumstances referred to. He heard that amounts had been advanced to contractors on that section of the line, but he was not aware of the amount, nor could he explain the dates. He therefore made no attempt to interfere when the hon. member for Montreal got up and made his explanation to the house the other evening, but he had since spoken to the Vice-President of the Grand Trunk Company, who informed him, that the only amount advanced to contractors upon that portion of the line, and the only claim made as to that was for surveys, purchases of land, right of way, and estimates made by the Engineer of the company, to the amount of some £30,000, but that no amount had been claimed by way of damages or supposed profit in any way. (Hear, hear.)⁶⁰

The motion was put and carried.⁶¹

(295)

On motion of Mr. *Galt*, seconded by Mr. *Holton*,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a Return shewing the dates when application has been made by the Grand Trunk Railway Company for releases of Provincial Debentures, and for the amounts so applied for, and the dates and amounts when released, since 1st January, 1855; also, for a copy of the Memorial addressed to the Government by the said Company since 1st January, 1856.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Resolved, That this House doth concur in the First Report of the Joint Committee of the Legislative Council and Legislative Assembly for the direction of the Library of Parliament.

MR. FOLEY moved to suspend the 62nd Rule of the House, in order that he might introduce a Bill to charter a Company for the construction of a Railway from Berlin to the waters of Lake Huron, at or near the Saugeen River, and for other purposes therewith connected.⁶²

(296)

Ordered, That the 62nd Rule of this House be suspended as regards a Bill to incorporate the *Waterloo and Saugeen Railway Company*.

Ordered, That Mr. *Foley* have leave to bring in a Bill to incorporate the *Waterloo and Saugeen Railway Company*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

On motion of Mr. *Terrill*, seconded by Mr. *Stevenson*,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, a Statement of all Municipal Debentures of the County of *Stanstead* which have been exchanged for Provincial Municipal Loan Fund Debentures, under the provisions of the Municipal Loan Fund Law of *Lower Canada*, or which have been forwarded by the said Municipality to be so exchanged; copies of all By-Laws or orders of ... the said Municipality, or of the Governor in Council, in virtue of which such Debentures have been so exchanged, and all Debentures and Correspondence between the Government and the Officers of said Municipality, or any other persons, touching said exchange, and also the names of the parties with whom the said Debentures have been exchanged.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. J. MORRISON moved that the evidence taken before the Railway Committee in reference to the Buffalo and Goderich Railway be printed for the use of members⁶³.

(296)

Ordered, That the First Report of the Standing Committee on Railroads, Canals, and Telegraph Lines, be printed for the use of the Members of this House; and that the Rule requiring the reference thereof to the Standing Committee on Printing, be suspended.

Ordered, That the Honorable Mr. *Young* have leave to bring in a Bill to incorporate the Transatlantic Telegraph Company.⁶⁴

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

[On motion of] MR. FOLEY⁶⁵,

(296)

Ordered, That the 62nd Rule of this House be suspended as regards a Bill to incorporate the *Norfolk, Brant, and Wentworth Railway Company*.

Ordered, That Mr. *Foley* have leave to bring in a Bill to incorporate the *Norfolk, Brant, and Wentworth Railway Company*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

The Honorable Mr. *Cartier*, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General, — Return to an Address from the Legislative Assembly, of the 9th instant, for a Statement shewing the amount of Debentures issued to the Grand Trunk Railway Company, since the 19th May, 1855.

By Command.

George E. Cartier,
Secretary.

Secretary's Office,
Toronto, 14th April, 1856.

No. 594.

Receiver General's Office,

Toronto, 11th April, 1856.

(297)

Sir, — I have the honor herewith to return the Address of the Legislative Assembly of 9th instant, received this day from your Department, requiring "the amount of Debentures issued to the Grand Trunk Railway Company of *Canada*, since the 19th May, 1855, the day on which the Act 18 *Vic.* cap. 174, received the Royal Assent, with the authority for the issue of same."

And in reply, I have the honor to give the required information as under: —

July	23, 1855. — By Order in Council of this date	£ 122511	0	0
September	17, 1855. — By do in do of do	200000	0	0
December	22, 1855. — By do in do of do	300000	0	0
February	4, 1856. — By do in do of do	165000	0	0

Sterling £ 787511 0 0

I have the honor to be, Sir,

Your most obedient Servant,

E.P. Taché,

Receiver General.

Honorable *George E. Cartier,*

Provincial Secretary, *Toronto.*

Return to an Address from the Legislative Assembly, of the 9th instant, for copies of Documents relative to Appointments of certain Legislative Councillors.

By Command.

George E. Cartier,

Secretary.

Secretary's Office,

Toronto, 14th April, 1856.

—
Governor's Secretary's Office,

Toronto, 12th April, 1856.

Sir, — I have the honor to transmit herewith, copies of Correspondence with the Secretary of State for the Colonies, relating to the nomination of certain Members to Seats in the Legislative Council of this Province, in the year 1854.

Also, the letter addressed by Lord *Bury* to those Gentlemen, to which there are only replies from two recorded in this Office. Perhaps the others may have been sent to your Department.

I have the honor to be, Sir,

Your obedient Servant,

R.T. Pennefather.

The Honorable the Provincial Secretary.

—
No. 29. (Copy.)

Government House,

Quebec, 26th August, 1854.

Sir, — I have the honor to enclose a copy of a Memorandum which has been handed to me by the Inspector General, in reference to the present condition of the Legislative Council, and the necessity which appears to exist for filling up some of the vacancies in that Body. I am aware that there are considerable objections to the creation of Legislative Councillors by the Crown, at the present conjuncture; and I have not failed to press the point upon the consideration of the Gentlemen composing the Executive Council. At the same time, I cannot deny the force of the reasons adduced by the Inspector General in favor of the course recommended by him and his colleagues. As notwithstanding the empowering Act passed by the Imperial Parliament, the existing Constitution of the Legislative Council will endure until that Body consents to a change, it is obviously necessary that it should be maintained in an efficient working condition. The Gentlemen named in the enclosed List are all of them persons of the highest respectability. I may add that as the Provincial Parliament meets for despatch of business in ten days, the fate of

(298)

the Administration will in all probability be determined before the Warrants now applied for can reach the Province.

I have, &c.,

(Signed,) *Elgin & Kincardine.*

The Right Honorable

Sir *G. Grey*, &c., &c., &c.

No. 24. (Copy.)

Downing Street, 14th October, 1854.

My Lord, — I have to acknowledge the receipt of your Despatch, No. 29, of the 26th August last, transmitting a Memorandum drawn up by the Inspector General with reference to the present condition of the Legislative Council of *Canada*, and the necessity which exists for filling up some of the vacancies in that Body. Under the circumstances adverted to in the concluding paragraph of your Despatch, I thought it right to take no immediate steps in pursuance of the recommendation transmitted to me, and in consequence of the Ministerial resignations and the changes consequent thereon, reported by Your Lordship in your Despatch, No. 34, of the 14th ultimo, I shall defer submitting for Her Majesty's approval the names of the Gentlemen recommended by you for Seats in the Council, until I am in possession of your further wishes on the subject.

I have, &c.,

(Signed,) *G. Grey.*

The Earl of *Elgin & Kincardine*,

&c., &c., &c., *Canada.*

(No. 56. Copy.)

Government House,

Quebec, 11th November, 1854.

Sir, — With reference to your Despatch, No. 24, of the 14th ultimo, stating that you will defer submitting for Her Majesty's approval the names of the Gentlemen recommended by me for Seats in the Legislative Council until you are in possession of my further wishes on the subject, I have the honor to observe that my present advisers concur with their predecessors as to the necessity which exists for filling up the vacancies in that Body, and to enclose a list of names, which are the same, with two exceptions, as those previously transmitted.

I have, &c.,

(Signed,) *Elgin & Kincardine.*

The Right Honorable

Sir *G. Grey*, &c., &c., &c.

No. 39. (Copy.)

Downing Street, 7th December, 1854.

My Lord, — I have to acknowledge the receipt of Your Lordship's Despatch, No. 56, of the 11th of November last, and having submitted to the Queen the names of the Gentlemen enumerated in the margin, whom you have recommended for Seats in the Legislative Council, I now transmit to Your Lordship Her Majesty's Warrants directing that those Gentlemen be summoned to take their Seats in that Body.

Ebenezer Perry,
David Morrison Armstrong,
Benjamin Seymour,
Eusèbe Cartier,
Walter Hamilton Dickson,
Joseph Légaré,

I have, &c.,

(Signed,) *G. Grey.*

The Earl of *Elgin & Kincardine*,

&c., &c., &c.

(299)

(Copy.)

Quebec, 18th January, 1855.

Sir, — I am commanded by the Governor General to inquire whether you will be willing to accept a Seat in the Legislative Council, as in that case it will afford His Excellency much pleasure to summon you thereto, feeling assured that your services in that branch of the Legislature will be highly valuable.

I have, &c.,

(Signed,) *Bury.*

B. Seymour, Esquire, *Bath*; *D.M. Armstrong*, Esquire, *Berthier*; *E. Perry*, Esquire, *Cobourg*; *Joseph Légaré*, Esquire, *Quebec*; *Eusèbe Cartier*, Esquire, *St. Hyacinthe*; *W.H. Dickson*, Esquire, *Niagara*.

(Copy.)

Cobourg, 26th January, 1855.

Sir, — I am in receipt of your communication of 18th instant, inquiring, by order of the Governor General, whether I would be willing to accept a Seat in the Legislative Council, as in that case His Excellency would summon me thereto.

In reply, beg to say that I will accept the honor intended to be conferred on me.

I have, &c.,

(Signed,)

Ebenezer Perry.

Right Honorable Viscount *Bury*,
Civil Secretary.

(Copy.)

Berthier, 22nd January, 1855.

Sir, — I have the honor to acknowledge the receipt of your letter of the 18th instant, written by command of His Excellency the Governor General, in which His Excellency is pleased to inquire, whether I am "willing to accept a Seat in the Legislative Council."

In reply, you will please acquaint His Excellency the Governor General that I am willing to accept a Seat, and prepared to do the duties to the best of my humble abilities in the Legislative Council, if it should please His Excellency to do me the honor to call me thereto.

I have, &c.,

(Signed,)

D.M. Armstrong.

To Lord *Bury*,
Civil Secretary, &c., &c., &c.

Return to an Address from the Legislative Assembly of the 8th instant, for copies of Communications relative to the negotiation of Debentures for Municipal Council of *Terrebonne*, in favour of the *Montreal* and *Bytown* Railway Company.

By Command.

George E. Cartier,

Secretary.

Secretary's Office,
Toronto, 14th April, 1856.

No. 596.

Receiver General's Office,

Toronto, 11th April, 1856.

Sir, — I have the honor to enclose herewith the Address of the Legislative Assembly, of date 8th instant, referred to this Department, requiring "copies of all communications between the Attorney General's Department and that of the Receiver General, relating to the negotiation of Debentures for the Municipal Council of *Terrebonne*, in favour of the *Montreal* and *Bytown* Railway Company."

And in reply I have the honor to state, that all communications which have taken place between this Department and that of the Attorney General on the matter in question, were duly transmitted to your Department under date 8th March last, as required by Address of the Legislative Assembly of 5th March.

I have the honor to be, Sir,

Your most obedient Servant,

E.P. Taché,

Receiver General.

Honorable *George E. Cartier*,
Provincial Secretary, &c., &c., &c.,
Toronto.

Crown Law Department,

Toronto, 14th April, 1856.

Sir, — With reference to a copy of an Address of the Legislative Assembly of the 8th instant, "for all communications between the Attorney General's Department and that of the Receiver

General, relating to the negotiation of Debentures for the Municipal Council of *Terrebonne*, in favour of the *Montreal* and *Bytown* Railway Company," transmitted to this Department this day, I have the honor to state, that no communication whatever has taken place between the above Departments relating to the negotiation of Debentures for the Municipal Council of *Terrebonne*, in favour of the *Montreal* and *Bytown* Railway Company.

I have the honor to be, Sir,

Your most obedient Servant,

Lewis T. Drummond,

Attorney General, *L.C.*

The Honorable *G.E. Cartier*,
Provincial Secretary,
&c., &c., &c.

Ordered, That Mr. *Antoine Aimé Dorion* have leave to bring in a Bill to provide for a more summary and expeditious mode of recovering certain Mercantile and other Debts, and for other purposes.

In reply to ... [a question,] MR. A. DORION explained the provisions of the Bill, and said it was not a Bankrupt Law. He proposed to refer the Bill to the Committee.⁶⁶

(300) He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

On motion of Mr. *Jean Baptiste Eric Dorion*, seconded by Mr. *Darche*,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, copies of all Licenses granted by the Government or its agents to cut Timber in the Townships of *Acton* and *Durham*, and of all Correspondence had relative to such Licenses, during the last two years.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. DALY moved to dispense with the 62nd rule of this House so far as it relates to the Bill to amend the Act incorporating the Stratford and Huron Railway Company, by extending the time for the election of Directors and commencement of the work.⁶⁷

(300) *Ordered*, That the 62nd Rule of this House be suspended as regards a Bill to amend the Act incorporating the *Stratford* and *Huron* Railway Company.

Ordered, That Mr. *Daly* have leave to bring in a Bill to amend the Act incorporating the *Stratford* and *Huron* Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

On motion of Mr. *Gould*, seconded by Mr. *Munro*,

(301) *Resolved*, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a Return of all the Timber Berths assigned to various individuals on the waters flowing into Lakes *Huron* and *Superior*, the name of the locatees, the localities assigned, and the extent of each locality, the dates of the assignments, the conditions upon which each locality is held, the sum of money paid upon each locality by each assignee, and of any and what Timber Berths are worked, and the Returns made to the Crown Land Department thereon.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a copy of the Contract entered into by the Government for the sale of the *Whitby* Harbour, *Narrow's* Bridge on *Simcoe*, and the Public Roads in the County of *Ontario*, with copies of all Correspondence connected therewith.

Ordered, That the said Addresses be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. AIKINS moved an Address to His Excellency, for Returns from the University of Toronto, Upper Canada College, Trinity, Victoria, Regiopolis and Queen's Colleges, showing their annual expenditure, their sources of income, the number of Professors, the course of study pursued, the number of Matriculated as well as other Students, distinguishing the day Students, their residences, religion, and age, as also their standing in those Colleges, respectively.⁶⁸

MR. AT. GEN. DRUMMOND said: The Government had no control over Trinity College. Information had already been moved for by another hon. member and it would come before the house when received.⁶⁹

MR. AIKINS said, that although such an Address had been moved for, the required information was not forthcoming.⁷⁰

MR. AT. GEN. DRUMMOND thought that the hon. mover was wrong in pressing on a matter now in course of investigation.⁷¹ The return moved for by the hon. member for South Wentworth would answer every purpose.⁷²

MR. J.S. MACDONALD. — Those returns have not yet been sent down.⁷³

MR. AIKINS. — The names and number of the students have not been furnished.⁷⁴

MR. AT. GEN. DRUMMOND. — A motion had already been made, and as the present one would only embarrass the former more, he trusted that the honorable gentleman would consent to postpone the motion.⁷⁵

(301)

On motion of Mr. *Aikins*, seconded by Mr. *Hartman*,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, Returns from the University of *Toronto*, *Upper Canada College*, *Victoria*, *Regiopolis*, and *Queen's Colleges*, shewing their annual expenditure, their sources of income, the number of Professors, the course of study pursued, the number of Graduates matriculated as well as other Students, distinguishing the day Students, their residence, religion, and age, as also their standing in those Colleges, respectively.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. *Darche*, seconded by Mr. *Jean Baptiste Eric Dorion*,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a copy of the Petition of the School Commissioners of the Parish of *Chambly*, relative to the sum of Two hundred and fifty pounds, voted in 1854 and 1855, for a Superior School for Girls in that Parish.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. DUFRESNE moved — That hereafter and during the present Session, whenever the House shall proceed with the Notices of Motions, on a notice being first called, the further consideration may be postponed; but if when called the second time it be not proceeded with then it shall be struck off the list, and shall not be again inserted thereon during the remainder of the Session, excepting always notices of the bringing in of Bills.⁷⁶

MR. AT. GEN. DRUMMOND considered that a good deal of the difficulty arose from hon[ora]ble members introducing a great variety of motions which they allowed to stand.⁷⁷

MR. BUREAU suggested that at times the Government kept back motions. In such cases he thought this rule now sought to be adopted, should not obtain.⁷⁸

MR. DUFRESNE said that the object of his motion was to keep the members to their business.⁷⁹

MR. A. DORION thought that if hon. members were not ready, it was desired that they should at once name a day when they would take it up.⁸⁰

MESSRS. BOWES and SANBORN [spoke]⁸¹.

[A member]. — Great inconveniences has [sic] arisen from such motions so standing over — and he trusted the evil would be remedied as soon as possible.⁸²

[A member]. — Whilst he, with every other member of the House, deeply regretted that members did not take more pains and care over their motions, still thought that the present motion would be attended with great inconvenience.⁸³

MR. BOWES moved in amendment to the motion, that all notices of motions be taken up by the House in the order in which they stand, or dropped.⁸⁴

MR. DUFRESNE considered that the motion would not meet the difficulty. Members should not keep their motions on the notice paper day after day; it was far from right or just that the public should be put to the expense of printing such notices for nothing. Now, members should be allowed to name a day, say 3, 4, or 8 days after, when they should be struck off.⁸⁵

(301)

Mr. *Dufresne* moved, seconded by Mr. *Gill*, and the Question being proposed, That hereafter, and during the present Session, whenever the House shall proceed with the Notices of Motions, on a Notice being first called, the further consideration may be postponed; but if when called the second time, it be not proceeded with, then it shall be struck off the list, and shall not be again inserted thereon during the remainder of the Session, excepting always Notices of the bringing in of Bills, and Resolutions upon which to introduce Bills;

Mr. *Bowes* moved in amendment to the Question, seconded by Mr. *Clarke*, That all the words after "That" to the end of the Question be left out, and the words "all Notices of Motions be taken up as they stand on the Orders, or dropped until renewed by the Member giving the same" inserted instead thereof;

And the Question being put on the Amendment; the House divided: — And it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That all Notices of Motions be taken up as they stand on the Orders, or dropped until renewed by the Member giving the same.

(302)

On motion of Mr. *Wilson*, seconded by Mr. *James Smith*,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to lay before this House, a copy of the Contract and Supplementary Contract or Contracts for the construction of the Grand Trunk Railway Company, made between the Contractors and the Grand Trunk Railway Company.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. *Joseph Curran Morrison* have leave to bring in a Bill to incorporate the Town of *Clifton*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

MR. WILSON moved the appointment of a Select Committee, to inquire whether any and which of the members of the Administration directly or indirectly hold any office of emolument, or receive any emolument from the Grand Trunk Railway Company; or directly or indirectly receive any emolument from that company or from any of its contractors; and whether any of the said members of the

Administration by themselves, or their partners, act as Counsel or Solicitors for the said company or any of its contractors; and whether the position held by any members of the Administration in the said company conflicts with the interests of this Province; the said committee to consist of Mr. James Smith, Mr. Murney, Mr. Bell, Mr. A.A. Dorion, and the mover, with power to send for persons and papers.⁸⁶ Mr. Wilson explained that this motion stood upon the papers some time before the late explanations had been made by the Government. It had been observed that certain members of the Government were⁸⁷ the Solicitors for the Grand Trunk Company, and for the contractors of the company. How the whole thing was complicated, the country did not well understand, but it was desirable that the country should be informed on those points.⁸⁸ He could not understand ... how those two offices could be so united.... Quite irrespective of that circumstance, however, there was another strange complication. Here we had half the directors of that company [who were] members of Government, and also members of the Railway Commission. Now, when the thing came to be practised he thought it rather a strange complication. Here we had those members of the Government first sitting in this room, suppose, as Grand Trunk Directors; and debating on the affairs of that Company⁸⁹. Then supposing they decided some question requiring a reference to the Railway Commission, those gentlemen moved to another room, and became Railway Commissioners, to be a protection between the Company and the Government. But presently they shifted their ground, went into another room, and there solemnly sat as the Government of the country, while some of the same gentlemen, first Grand Trunk Directors, then Railway Commissioners, then the Government of the country, were all the while Solicitors of the company and of its contractors. He would ask how was it possible for those gentlemen to act disinterestedly in all those capacities? (Hear, hear.) And how could there be confidence in that great enterprise, deeply affecting the interests of the country, when the management was carried on in that kind of way?⁹⁰ He, for one, was prepared to do anything to save the credit of the country; for whatever happened [to] us, we were bound to try and save our credit abroad. We were able to do it, and should do it. But, he was not prepared to sustain the present complicated management of that company. His opinion was, that the Government ought not, at any time to have anything to do with the directorship of the Company — they ought studiously to stay aloof from it. He thought it would look strangely, abroad, that this Province had been so committed to the Grand Trunk scheme by the members of the Government.⁹¹ And though he dared to say ... that these complications ... were intended at first for a wise purpose, he thought it not at all advisable that this should continue.⁹² His object in asking for this committee was simply to clear up all doubts on this matter. And, doubtless[s], hon. gentlemen on that side of the House would be able to explain the matter properly and fully. In the meantime, however, he should press his motion for the appointment of this committee. In conclusion, he would state that he had no objection whatever to change the names of members of the proposed committee; and he hoped the Government would make no objection to such an inquiry; for the country had been deeply agitated by the Inspector General's recent communication.⁹³

MR. AT. GEN. DRUMMOND stated, in reply, that the Government had not the slightest objection to the appointment of the committee. He would say, however, that he had been very much surprised to hear his hon. friend from London pronounce a rather decided opinion on the propriety of members of the Government being directors in the Grand Trunk Railway. One would think they had been appointed solely for the advantage of — and, as representatives of the Grand Trunk Company. But such was not the fact, they had been appointed to the directorship in order to watch over the interests of the Government, and of the people of the country, in that great work in which the Province had so large a stake, — having pledged its guarantee for one-half of the debentures. It was only natural they should have a seat at the Board of Directors, being representatives of the interest of the country at large, and he believed that those interests had never been lost sight of by them. (Hear, hear.) The Government were not only willing but anxious that an investigation of the nature proposed, should take place, in order to remove all doubt from the mind of those who had not followed up the business of the country so closely as his hon. friend from London. He certainly should repeat, however, that he did not

expect that hon. gentleman to have censured the appointment of Government directors for the road. It ought to be now well known that those gentlemen were put there, without having any personal interest in the road. (Hear, hear.) He was very glad to hear his hon. friend from London state his anxiety to sustain the credit of the country; and he could assure that hon. gentleman that the anxiety of the Government for the attainment of that object, was, at least, equally great.⁹⁴ But [the Government] wished the motion postponed till to-morrow, to allow him an opportunity of consulting with other parties, as to the names of the members to be placed on the committee.⁹⁵

MR. WILSON had no objection.⁹⁶

The motion was accordingly postponed till to-morrow.⁹⁷

Six o'clock having arrived, MR. SICOTTE the SPEAKER left the chair.⁹⁸

[After the recess,]

(302)

Ordered, That Mr. *Alleyn* have leave to bring in a Bill to amend the Act intituled, "An Act to regulate the shipping of Seamen."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of Mr. *Jean Baptiste Eric Dorion*, seconded by Mr. *Darche*,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a copy of all Complaints made to the Government against the official conduct of *John Maguire*, Police Magistrate, of the City of *Quebec*, since the 1st January, 1855.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.⁹⁹

MR. CAMERON moved to refer the petition of the Rev. Francis Evans and others, to a Special Committee, to consist of the Hon. J.S. Macdonald, Messrs. Crawford, Foley, Gamble, J.C. Morrison, Wilson, and the mover. The hon. gentleman stated that the petition was signed by upwards of twenty clergymen who claimed to be entitled as set forth, to the payment of their salaries as they were originally granted to some of them upon their coming to this country, and to others undertaking the Missions of the country, and to others who were preparing to be Ministers of the Gospel of the Church of England and Ireland.¹⁰⁰ The petition ... set forth the claims of those gentlemen to the effect, that they were entitled to £200 a year annually; and that they did not receive more than £170, owing to the working of the Clergy Reserve Act. The petition referred to the time of the early settlement of Upper Canada, which was not at the time provided with the means of support of those men who came out as missionaries amongst the widely settled population. On the faith of an Imperial grant, the venerable Society for the propagation of the Gospel in foreign parts, had granted to these missionaries and such others as may follow them, a salary of £200 annually so long as that grant should be continued. Subsequently, the Province assumed that liability — taking upon themselves the payment of those salaries, but which, however, were at the time reduced to sums below the £200 a year, varying from £170 to £185, but at the same time with the condition that they should be made good, as the amounts accrued from those funds so set apart for such specific purpose, and subsequently the amount arising from the Clergy Reserve Fund had been ample to make up the difference.¹⁰¹ He held in his hand the form of warrantry under which these gentlemen received the amounts of salary which they now claimed, and he felt assured, that when the house came to hear it read, that they would see a clear necessity for enquiry. The warrant was granted to the Rev. Francis Evans, of Woodhouse, in the county of Norfolk, in which he was described. (The hon. gentleman read the Warrantry under that Warrant, and others of a similar character.)¹⁰² In it, after setting forth the appointment, it was said, "And we do hereby assign to you the sum of £200,

payable half-yearly, being the sum granted by the society for the propagation of the gospel in foreign parts."¹⁰³ A large number of clergymen had received for many years a stipend of £200 per annum. After a certain period of time, when it was determined that the Imperial Parliament should no longer continue to sustain the Grant, and to assist the clergymen in this country in the manner in which they were assisted previously, it was decided by a dispatch sent out about the end of the year 1829, and which was carried into effect in 1832, that a diminution of the incomes of the clergymen then receiving those allowances should be made equal to fifteen per cent., and Bishop Stuart of Quebec was made the authority by means of which the communication was made to the several clergymen acting on behalf of the Imperial Parliament, the Government of this Province, and the Society for the Propagation of the Gospel; those sent out by the latter having the faith of the Crown pledged to them, and receiving warrantries such as he had read. Bishop Stuart, under the authority then conveyed to him, gave all those clergymen to understand that although the reduction had taken place, as mentioned, whenever the funds which were likely to be received from the lands set aside for the support and maintenance of a Protestant clergy, should reach the amount at which their salaries were originally placed, that these clergymen would be restored to the same sums that they had received before this change took place. In consequence of that, not only as to those parties, but all others who were in the same position,¹⁰⁴ relying on the faith of the Crown thus pledged, relying on the Act of 7 and 8 Geo. IV., 1 and 18 Victoria,¹⁰⁵ relying on ... the despatches of the various Secretaries of State, the legislation in this country on the Clergy Reserves, and the last act which reserved the rights of the parties holding stipends,¹⁰⁶ — relying on all these, these men rested satisfied that as these Clergy Reserve Funds should accumulate, and as they rose to the required amount, were content to rest satisfied until they could receive from the Government of this Province the full amount of the salaries so guaranteed to them.¹⁰⁷ As the Clergy Reserve Fund became more productive, and as the Reserves were placed at the credit of the Fund which had not been intended, the Governments of this country, no matter whether they were conducted by Conservatives or Reformers, from the time when the first claim was made¹⁰⁸ [in] 1840¹⁰⁹ up to the present time, had recommended their rights to be placed upon the list, and to be placed in such a position as that they could ask for the redemption of the pledge originally made to them, that they should receive their stipend. The Society for the Propagation of the Gospel was made as it were the almoner of the funds distributed to the Church of England, and supervised by the Crown, either of the revenues set apart through donations made by the Imperial Government, or by a decree of the Government of this colony, and the sums of money granted from time to time by the former, amounting at one time to as much as £20,000, for distributing the money.¹¹⁰ Thus ... these sums of money so guaranteed from time to time by the Imperial Parliament were paid over, not to any private party here, or in Great Britain, but to the Society for the propagation of the Gospel in foreign parts, and that Society spent them in their efforts for the propagation of the Gospel amongst the wilds of Canada, and through the world at large.¹¹¹ It was found, at an early period, that there was no fund at the disposal of Government by which support could be afforded to the clergy of England and Ireland, and consequently an annual grant made by the Imperial Parliament depended altogether upon the will of that Parliament, and that was distributed by the Society. In the course of time, in 1830, it was determined that the grant should be generally reduced, and that as the Provincial lands were coming into operation, and it was hoped that the necessary fund would be made, that the whole grant should be diminished, and the burthen thrown upon the Colonial funds. Under these circumstances, these parties came to this country under the pledge given to them by the Society for the Propagation of the Gospel, and by the Crown of England, and were in receipt for many years of their stipends, and when they were reduced, it was upon the pledge conveyed to them by the agent of that Parliament and the Society for the Propagation of the Gospel, that whenever these lands of the Crown which should be set aside for the purpose of supporting the Protestant clergy, were sufficient to do away with the reductions, that they should be placed in the same position as they were before. That had been carried out as to many of these clergymen, and when the Clergy Reserves Bill passed last session, it removed the funds from which they would be entitled to receive their stipends

from time to time as it might be increased.¹¹² Those men now come before this House, praying for the appointment of a Committee, not to give them the balance of those stipends if they are not entitled to them; but that an inquiry may be instituted into these claims, and in full reliance upon this House to do justice to all classes of Her Majesty's subjects.¹¹³ It might be seen that they are justly entitled to what they demand, and if so, that the house would do them the act of justice to which they are entitled. And they came before that house, notwithstanding that there might be doubts arising out of the Clergy Reserve question, or any other question which had arisen in reference to those lands of the Church of England; believing that from this Legislature they would receive, at any rate, a hearing as to their claims.¹¹⁴ If those claims are not based in equity, and are such that the House ought not to entertain, as between man and man, then no harm is done, but if they should be founded in truth, and justice and equity, this House will not hesitate to give the opportunity of establishing them, and to place them in that position that the faith of the Crown which has been so pledged, shall not in the least iota be compromised.¹¹⁵

MR. SICOTTE the SPEAKER put the motion.¹¹⁶

(302)

The Honorable Mr. *Cameron* moved, seconded by Mr. *Gamble*, and the Question being proposed, That the Petition of the Reverend *Francis Evans* and others, Clergymen of the Church of *England*, Diocese of *Toronto*, praying for certain arrears due them as Missionaries, be referred to a Select Committee, composed of the Honorable *John Sandfield Macdonald*, Mr. *Crawford*, Mr. *Foley*, Mr. *Gamble*, Mr. *Joseph Curran Morrison*, Mr. *Wilson*, and the mover, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records;

MR. BROWN said this was a question which should not be left in the hands of a private member.¹¹⁷ [He] hoped that the Government would, before the motion passed, not decline to express their views upon the subject before the house. It was obvious that to allow it to go into the hands of a select committee was most unjust, and if the Government would calmly permit such a thing, they had better give up altogether the system of Responsible Government. (Hear, hear.)¹¹⁸

MR. AT. GEN. DRUMMOND replied that the Government had no objections, that a committee should be organized to enquire into the facts — which facts had not been sufficiently laid before the Government, to enable them to form any correct opinion on the subject. If he mistook not, the question had been taken up last Session, and an opinion had been then expressed by the Government on the question. It was evidently a matter of very great importance; and it was therefore, only right that the parties in this matter should have an opportunity of stating the facts properly. As soon as sufficient information was obtained, the Government would be prepared to take action in the matter.¹¹⁹

MR. BROWN said, the explanation given by the Attorney General East did not justify the proposed reference of this question to the Committee. The first principle of Responsible Government was, that all actions in questions of money should be taken by the Executive. The claims of Mr. Evans, and other clergymen of the Church of England, had been before the Government for two years, and they should by this time be prepared either to come down and grant their demand or to refuse it altogether. How could Responsible Government be maintained, if in a matter of such importance, the Government were allowed to shirk their responsibility in this way? If this system of referring matters of great moment to select committees were allowed, where would any protection be found for the public purse? But it was perfectly plain how the hon. gentlemen opposite were desirous for this most irregular and dangerous course. The hon. gentlemen on the Treasury Benches were divided on this subject, as they were on most subjects. (Hear, hear.) They have among them Church Endowment men on the one hand, and Anti-state Churchmen on the other. The one section says "Pay these claims" — the other, "Do not do it" — neither dare proceed — and well pleased are they to hand over this disagreeable subject to an independent member and an irresponsible committee of the house. If the Government

were able to agree on any united action upon the matter, would they not have come down and assumed the position which they ought to hold on such a subject? Where was this committee system to end? During the past two sessions every function of the government had been turned over to select committees of the house. One day it was enquiry into the condition of the Crown Lands Department, and the adoption of a new system of management, although there was a Minister of the Crown responsible for the conduct of the department. Next day it was an enquiry into the Inspector General's Department, or the Bureau of Agriculture, and so on from day to day. Upon the present occasion, money claims to an immense amount were proposed to be submitted to a select committee, without any recommendation from the Crown, — claims which, when they came to be examined and discussed, could not by possibility be sustained by a majority of that house. The Government shrank from the responsibility of meeting the question fairly. And the high church section of them rejoiced over the proposal of the hon. member for Toronto. Should the hon. gentleman obtain his committee and get a favourable report from it, would not the claims of his clients be greatly strengthened by it when they came to be discussed? His proposal was in fact an attempt to commit the house to an acknowledgement of these claims.¹²⁰

MR. AT. GEN. J.A. MACDONALD regretted having missed the opening remarks of the hon. member for Lambton; but he heard enough, however, to enable him to form a correct idea of that hon. gentleman's arguments, which, as he understood it, tended to establish that the Government acted unconstitutionally in endeavoring to avoid the responsibility of taking action on the question. Now, he differed altogether from the hon. gentleman on this point, and he had authority for doing so.¹²¹ He knew that the hon. member would oppose the motion, and had anticipated his argument, and he had provided himself with authorities to show that the hon. member was ignorant of constitutional principles when he held the argument he did.¹²² If the hon. member for Lambton had only taken the trouble to go into the Library, as he (Mr. Macdonald) had done — he would have adopted a different line of argument. He would see that in England — where constitutional principles were well understood¹²³ — the rule respecting the initiation of the Government on money votes was merely a standing order of the House of Commons, which he admitted was sometimes enforced so strictly that on one occasion in 1834, the report of a committee recommending a grant was sent back again by the House. The ordinary practice in England was, however,¹²⁴ that where such claims came up from any party of a similar nature to the present one, and where a thorough investigation was necessary — to appoint a committee for the purpose of collecting that information. In order to substantiate these statements, the hon. gentleman here enumerated several instances in which similar applications had been made to the Imperial Parliament — which had been disposed of, as he had just stated.¹²⁵ The most glaring case was that of Mr. James Silk Buckingham, for many years a member of Parliament in England.¹²⁶ He was the first to establish a newspaper in India, and by an ordinance of the Government there, his paper was stopped, his property destroyed, and he himself subjected to very heavy losses. He appealed to the British Parliament for redress.¹²⁷ Mr. Hume, the hon. gentleman would allow that he was a great authority, and one not likely to relieve Government from responsibility,¹²⁸ on that occasion moved for a committee to investigate the facts, and the result was that the committee concluded to enquire whether and what amount of compensation should be granted to him. The names of those who acted on that committee were certainly as high authority on constitutional law as the hon. member for Lambton.¹²⁹ That Committee was composed of Lord John Russell, Lord Ashley, Messrs. Grant, Williams, Wynne, Blake, Shaw, Bernal, Gordon, Guest, Walter, (of the *Times*), W. Gladstone, Langdon, Bury, Sir Robert Peel, and the mover, with power to send for persons and papers.¹³⁰ Then there was the case of Baron de Bode, in 1834, who had a heavy claim upon the British Government, arising out of proceedings of the French government. In this case a Committee was appointed, who examined into the claim, and although the Committee reported favorably upon it to the Government, they resisted the claim.¹³¹ He would also refer to a formal motion made in the same house by Sir Edward Codrington, that it should go into committee to take into consideration the compensation that should be made to the Marines and

Sailors who served at the battle of Navarino, which was a direct application for money, and the motion was granted. And he would call attention to a case which arose within his own recollection. He moved for a committee at a time when Mr. Draper was at the head of the Government, and Messrs. Baldwin and Lafontaine were Leaders of the Opposition. He meant the case of George A. Ryland. Such a committee was assented to by the Government, and Mr. Baldwin consented to act upon it. (Hear, hear.)¹³² The hon. gentleman then went on to say that the cases were innumerable; and the practice invariably was, that when an inquiry was made, involving a series of facts which required elaboration, in order to enable the House to form a correct judgment thereon, the most convenient mode was to appoint a committee, and act on their report. Of course that committee could not and ought not to recommend a grant of money. The conclusion of the Government in this matter, was simply this: that where there was sent into the House, such a legal claim, amounting to a debt, as to authorize them to issue such a warrant, to refer the matter [sic] to a committee of inquiry and act on their report.¹³³ This ... was the most convenient mode to deal with the subject, and indeed in no other way could the business of the Province, or of the Empire, be proceeded with; — and in no other way could the Government Act [sic]; for how were they to know if the claims were just, but by such enquiry, unless the hon. member for Lambton would desire to arrive at a conclusion upon mere verbal [sic] testimony.¹³⁴ As to the Government being at variance upon the point, the hon. member for Lambton was quite mistaken. The conclusion to which the Government had arrived was simply, that there was not such a legal claim made by these parties as amounted to a debt, and which would justify them in issuing their warrant to pay, and that the claims differed in their character and required investigation. Neither was it to be supposed that the Government desired to shrink from responsibility, for that responsibility would only commence upon its receipt of the report of the committee.¹³⁵ Some of the claims made, in the present instance, were very strong — some were weak; and they varied in degree, circumstances, position and amount. He felt quite sure that the House was disposed to do justice to everybody; but in order to do that justice it was necessary that they should first receive accurate information as to the nature and amount of these claims. And when this report was brought down,¹³⁶ the ministry would have to decide what course it would adopt in reference to legislation on the claims. The hon. gentleman was entirely mistaken in his statement with regard to parties in the Cabinet on this subject; so entirely mistaken, that he could not imagine where he could have got such information. They had decided there was no claim which could be recognized without legislation, and the petitioners were left to take their own course in procuring it.¹³⁷ He did not see that there could be any objection in the world, to the committee asked for.¹³⁸

MR. LORANGER said there was a principle [sic] sacred in all well regulated communities. The doing of equal justice to all.¹³⁹ As a petition had been submitted to this House by these gentlemen, complaining that their incumbency which at one time was £200 a year had been reduced to £160, and asking this House to enquire into this matter,¹⁴⁰ he was surprised that any one should resist a simple motion to enquire into the reasonableness or want of justice of their claims.¹⁴¹ The House could not ignore that petition; on the contrary if the claim which they preferred was found to be good, that claim should not be rejected. At all events he hoped the House would not refuse the committee.¹⁴²

MR. HOLTON said if this discussion went on, it would occupy the whole evening¹⁴³. There was an important measure before the House — a special call had been made, and the matter should at once be taken into consideration. He would move, therefore, in amendment, ... that the orders of the day be now read.¹⁴⁴

[The motion was] seconded by MR. GALT¹⁴⁵.

MR. BROWN said it was very desirable on other grounds that this discussion should be put off. There was a great deal of information which ought to be placed before the house in regard to it. In the first place there was a correspondence between Mr. Evans and his friends on the one hand and the

Government on the other. The first step should have been to place that correspondence before the house, and when it was so placed, he believed it would go far to change the opinion of the hon. member for Laprairie, and other members who might be disposed to view the matter in the same light. He (Mr. Brown) had a bundle of papers on the subject, but not here, and he would like to have an opportunity of laying before the house the facts they contained. He would support the motion of the hon. member for Montreal.¹⁴⁶

MR. GAMBLE asked if the motion of the member for Montreal was in order.¹⁴⁷

MR. SICOTTE the SPEAKER said a motion, that the Orders of the Day be now read, was always in order, but not in the shape of an amendment to another motion.¹⁴⁸

MR. GAMBLE was going to say that he did not wish to defer the discussion for which the House was called to-night. He was ready to go on with it, and there was an easy way of getting to it. Let them take the vote upon the question before the House as it now stands. He was quite sure it was the wish of every gentleman in this House, with the exception of the hon. member for Lambton and a few of those who vote with him, that the committee should be granted, because [otherwise] it would be denying those gentlemen British justice. It would be depriving those gentlemen of that income which was given them by the Imperial Parliament, and of which, they say, they have been deprived for some years. Are they to be told that their claims were to be denied — that this House is too inactive to enquire into them. He knew better the feelings of the hon. gentlemen of this House. He knew better their sense of justice.¹⁴⁹ He considered that resistance to such just claims could emanate from no quarter but from the member for Lambton, who would mete out, if he could, not only to the clergy, but to every member of the Church of England, the same sort of justice as the Puritans of Massachusetts extended to the Quakers, that is burning them. (Laughter.)¹⁵⁰

MR. HOLTON then withdrew his amendment, and moved as a substantive motion, that the Orders of the Day be now read.¹⁵¹

MR. CAMERON said the hon. member for Lambton, although anxious for the postponement of the Orders of the Day, in the early part of the evening when the question of the Seat of Government was likely to come up, was quite anxious now that they should be read in order to get quit of the question before the House¹⁵² [and] prevent justice being done to the clergymen of the Church of England.¹⁵³ When these gentlemen come here to ask to have justice — to ask to have their claims examined by a committee of this House, he thought it ought to be conceded, as the composition of that committee was such that if their claims were not valid they would undoubtedly be rejected. The Attorney General had stated correctly, when he said the petition was one which the Government considered should be fully examined. They simply asked that equal justice should be meted out to them.¹⁵⁴

MR. MACKENZIE rose to a question of order. These gentlemen ask for large sums of the public money to be paid to them, and such a question should be first considered in committee.¹⁵⁵

MR. SICOTTE the SPEAKER said the motion was only to refer the facts stated in the petition to a committee of the House. If it was a motion pledging the House to any amount of money hereafter it would be out of order, not only by the Rules of the House but by the constitutional Act, which required that all money grants should originate in committee.¹⁵⁶

MR. CAMERON said that was the reason why he thought the committee would at once have been granted by the House without a discussion. All that they asked was to examine into the facts of the case. These gentlemen who had grown gray in the service, not of their country, but in a nobler service —

gentlemen who had come to the country when it was a wilderness, and have been here through all its changes, in good report and through bad report, and were they now to be told, in the declining years of their life, that their claims would not even be examined into? A mere reference is asked, and they ought not to attempt to get rid of it by a side wind. Let them get the committee, let the investigation of the facts take place, and let us have their report.¹⁵⁷

MR. MACKENZIE objected to the committee. He expatiated at great length upon the sums paid to the parties whose names were attached to the petitions.¹⁵⁸ The grant made by the British Parliament was never considered a permanent one, or as constituting any future claim. The Government had certainly already settled with these people for their stipends under the Clergy Reserves Act of last session.¹⁵⁹ As chairman of Committee on Finance last year, he requested a return from the Receiver General of all the moneys paid in detail to these gentlemen. He got that return, — authenticated by the Receiver — and yet on looking over the papers, £30,000 or £40,000 more were paid to them than the sum stated by the Receiver General. He wished [sic] that point also investigated into.¹⁶⁰ These clergymen were like the grave — they never got enough. They teach that we should take our affections from things below and place them on things above, yet, none seemed more greedy of money and gain than they¹⁶¹. The petitioners in this case, had already lined their pockets too well at the expense of the people of Canada, to meet with much sympathy when they came to this house like paupers begging for more. If they begged as well for mercy for us from heaven as they begged for cash on earth, he thought we would all fare very well in the end. (Laughter.) Most of these parties had got hold too of these fat Rectories, and had very little to complain of.¹⁶² After mentioning several clergymen by name as the recipients of large sums already and still petitioning for more, he brought his remarks to a close.¹⁶³

MR. SICOTTE the SPEAKER said the question was upon Mr. Holton's motion that the orders of the day be now read.¹⁶⁴

(302) Mr. *Holton* moved, seconded by Mr. *Gamble*, and the Question being put, That the Orders of the day be now read; the House divided: and the names being called for, they were taken down, as follow: —

(302-303)

YEAS.

Messieurs *Aikins, Alleyn, Bell, Biggar, Bourassa, Brodeur, Brown, Bureau, Cartier, Christie, Church, Cooke, Cook, Daly, Charles Daoust, Jean B. Daoust, Darche, Delong, Desaulniers, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferrie, Thomas Fortier, Galt, Gill, Gould, Guévremont, Hartman, Holton, Huot, Jackson, Jobin, Labelle, Laberge, Laporte, LeBoutillier, Loranger, John S. Macdonald, Roderick McDonald, Mackenzie, McCann, Marchildon, Masson, Matheson, Mattice, Meagher, Mongenais, Munro, Niles, Papin, Patrick, Polette, Poulin, Prévost, Price, Rolph, Sanborn, Scatcherd, Shaw, James Smith, Southwick, Supple, Terrill, Thibaudeau, Turcotte, Whitney, Wright, Yeilding, and Young.* — (74.)

(303)

NAYS.

Messieurs *Bowes, Cameron, Casault, Cayley, Chabot, Chapais, Chisholm, Clarke, Conger, Crawford, Cryslar, Dionne, Egan, Evanturel, Fergusson, Ferres, Foley, Octave C. Fortier, Fournier, Frazer, Gamble, Lemieux, Lumsden, Macbeth, Attorney General Macdonald, Merritt, Joseph C. Morrison, Angus Morrison, Murney, Pouliot, Powell, Rankin, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Solicitor General Smith, Somerville, Spence, Stevenson, Taché, and Wilson.* — (43.)

So it was resolved in the Affirmative.

And the Order of the day for the Call of the House, being read;
Ordered, That the House be now called over.

The Sergeant at Arms proceeded out of the house with the mace to summon any members who might be in the adjacent places.¹⁶⁵

MR. CAMERON said that, had the members of the house been aware that the effect of their vote was to throw out the petition for this session, it would never have been given. (Order, order.) He mentioned this, because, if it could be remedied at all, it must be done now.¹⁶⁶

MR. SICOTTE the SPEAKER said, that the effect of the vote was such as had been stated, but perhaps the best course for the hon. member to take would be to move in the matter on some future occasion, and put it to the house whether they meant by their vote to supersede the motion for the session.¹⁶⁷

MR. HOLTON said, he had intimated to the hon. member that, if he would postpone his motion, in order to let the Seat of Government question come up, he would withdraw his motion for reading the Orders of the Day. But the hon. gentleman persisted in his motion.¹⁶⁸

MR. CAMERON said, that no such communication had been made to him. The only communication made to him was by the member for Glengary, who said, "you had better put the matter over." That was all.¹⁶⁹

MR. GAMBLE — very much agitated — said the question was never proposed in that way to his hon. friend, it was simply to withdraw his motion.¹⁷⁰

MR. HOLTON said he asked his friend, the hon. member for Glengarry to communicate with the hon. member for Toronto, and the answer was that he would not withdraw it.¹⁷¹

MR. J.S. MACDONALD said that, at the suggestion of the hon. member for Montreal, he had strongly urged the learned member for Toronto not to press his motion.¹⁷²

The question here dropped.¹⁷³

The Roll of the House was then called¹⁷⁴.

(303)

Ordered, That the Serjeant-at-Arms attending this House do go with the Mace, to the places adjacent, and summon the Members there to attend the service of the House: — And he went accordingly; and being returned;

The House was called over, and several of the Members appeared; and the names of such Members as made default to appear, were taken down, as follow: —

Jean Blanchet,
Francis H. Burton,
Billa Flint,
Samuel Black Freeman,
Sir Allan Napier MacNab,
John O'Farrell,
Sidney Smith,
Michel François Valois.

On motion of the Honorable Mr. Attorney General *Drummond*, seconded by the Honorable Mr. *Cartier*,

Ordered, That the Reasons of absence of such Members as were not present at the Call of the House, this day, be taken into consideration on Monday the twenty-first instant.

MR. J.S. MACDONALD then rose to submit a motion on the subject of the Seat of Government¹⁷⁵. The great question was one of establishing a permanent seat of Government; and the place where it should be was not of so much importance. He felt convinced that the great majority of the House would go with him in this matter.¹⁷⁶ But, after that had been carried, there would be two other questions — the place to be fixed on, and the appropriation of money.¹⁷⁷ The members from about Toronto and Quebec would, perhaps, like the present system to be established. He would say that even

if the union of the Provinces was to depend on the continuance of the present system, then let the union be dissolved.¹⁷⁸ For his part, he would like to let it be known at once, now that the Government was considering the question of the finances of the Province. If there was to be such a breach of the Union it would be the most destructive thing possible to that credit which every one was so anxious to maintain.¹⁷⁹ [He then] went over the leading arguments in favour of permanence. He was so tired of the perambulating system that, if it was not brought to an end to-night, he would vote for the Seat of Government being fixed permanently at whatever place they might be, when the perambulating system ceased.¹⁸⁰ He contended that the present alternate system, entailed misery, and the highest inconvenience on hundreds of families connected with the Government.¹⁸¹ The very men who had been instrumental in bringing away the seat of Government from Montreal where [sic] those men who had done their best to bring about the troubles which led to that change. He concluded by moving the resolution¹⁸² — “That in the opinion of this house the present system of convening Parliament alternately at Toronto and Quebec should be discontinued.”¹⁸³

(303)

The Honorable *John Sandfield Macdonald* moved, seconded by Mr. *Papin*, and the Question being proposed, That an humble Address be presented to His Excellency the Governor General, representing that in the opinion of this House the time has arrived when the present system of convening Parliament alternately at *Toronto* and *Quebec*, should be discontinued;

MR. BROWN said, — I think my hon. friend from Glengary does not take a just view of this question. It appears to me we are not in a position at present to go to the consideration of fixing a permanent Seat of Government. We have but to look at the state of a great many very important public questions, I think, to come to the conclusion that it would be exceedingly inexpedient at this moment to take such a step, involving as it does, the immediate expenditure of a million of dollars. No one can look at the great topics now under discussion, and at the state of the public mind either in Upper or Lower Canada, without I think coming to the conclusion that the question whether the present Union can be carried on, is still a matter of doubt. I think we are fast approaching the point, when there must be some basis found for the settlement of certain great issues, or we may as well conclude to dissolve the Union at once. (Hear, hear.) In saying this, I am sure that I speak almost the unanimous feeling of the members of the house. (Cries of yes, yes, no, no). I think that the hon. gentlemen who cry “no,” are the very members with whom I most nearly agree. I do not think the Union should be dissolved. (Hear, hear.) I believe we are fast coming to a solution of our great issues. Before many days I believe we will find a solution for one of them; I think we may possibly find common ground for the settlement of a second great issue, and even that much feared reform — Representation by Population — will not I think be much longer deferred. (Ironical cries of hear, hear.) Hon. gentlemen from Lower Canada in that part of the house cry hear, hear, — but they will soon find that this act of justice to Upper Canada must be granted. I am sure I speak almost the unanimous feeling of the people of Upper Canada, when I say that, if this is a question of time, it must be a question of very short time, and that without Representation by Population, they will never consent to continue the existing Union. Is it to be supposed that the people of Upper Canada, now more numerous by 250,000 than the people of Lower Canada, are to have no more representation in Parliament, while at the same time we contribute three-fourths of the revenue? It is impossible that the Union can continue on such a basis. It can only be continued by our all standing on an equal level. Grant us this and I care not where you take the Seat of Government — but in present circumstances, I think it is most inexpedient to adopt the course now proposed to us. It is obvious that while you carry on this double system, while we have two Provinces, two systems of laws, two systems of administration, two systems of education, two systems of municipal government and two systems of almost everything else — so long as we have so different a tone of sentiment in the two divisions of the Province, it would hardly be just to take the Seat of Government, and place it permanently under the local influence of either one section of the Province or the other. I am quite sure you could not produce greater dissatisfaction in Upper Canada by any action you could take on any

subject than by determining this night that you will not only refuse Representation by Population to the people of Upper Canada, but that you will take the Seat of Government permanently to Lower Canada and carry on the legislative and administrative affairs of the country under the influences that are there prevalent. (Oh! Oh!¹⁸⁴ — Hear, hear.¹⁸⁵) Hon. gentlemen from Lower Canada may think such a course all right and proper, but I am sure there is not a member of this house from Upper Canada, who could justify such a determination to his constituents.¹⁸⁶ This motion was for nothing else than to take the seat of Government to Montreal.¹⁸⁷ I do not think it necessary to detain the house at any length, but I just wish to call the attention of members from Upper Canada to what will be the effect, if to-night we do, what my hon. friend from Glengary asks us to do — pronounce on what he calls the “principle” of the question. He says — “first settle the principle that there shall be a permanent Seat of Government, and then find out where it shall be.” If you do this, the result most indubitably will be, that Montreal will be the place fixed upon. (Hear, hear.) Suppose a motion is put to fix it at Quebec — does any one imagine that that can be carried? It is impossible. And we know very well that, as their next best vote, the members from the Quebec district would in a mass vote for Montreal. The first or the second vote of every Lower Canada member will be given for Montreal. I am quite convinced of that; for, though you will sometimes find members from Upper Canada who will vote against the interests of Upper Canada, I have never found a Lower Canadian, who on any matter of money or local interest, did not give his vote for Lower Canada. (Oh! Oh!¹⁸⁸ — Hear, hear.¹⁸⁹) Take the votes of this house, and you will see that it is so. Where there is any great principle at stake, we will find many Lower Canada members who will maintain that principle strenuously, and throw aside all local influences; but the very moment a pure question of interest, a local question of money arises, that moment you have all the Lower Canadian members going zealously together; and our journals will show it.¹⁹⁰

MR. THIBAUDEAU. — That’s right. Is it not?¹⁹¹

MR. BROWN. — Whether it is right or not, we may discuss at some other time. But the question now is, whether it is not a fact? And for proof of it look at the Estimates, look at the Journals at the votes for Quebec Roads, and Harbours, and Lighthouses, and Quebec Platforms — (laughter,) and Baby contracts, and everything you can possibly think of. The hon. gentleman continued to show from the state of local parties and feelings in the house, that if a permanent Seat of Government were determined on, its location must be at Montreal — the idea of its ever going to Ottawa being a delusion and a make-believe, got up for the purpose of securing for Montreal on the final vote all the suffrages of the members from the Ottawa District. He urged that was altogether too soon to raise this question, when the Government had only been in Toronto the first few months of a term of four years — and expressed his fears that if it were decided now to erect expensive buildings at Montreal, which might be completed within a year and a half, a[n] effort would be made to effect a removal from Toronto before the four years had expired. And, with the present demands on the finances of the country, and the instability of our present political state, he considered it would be an act of great imprudence to expend £300,000, of which £225,000 would come out of the pockets of the people of Upper Canada, in erecting Parliament Buildings at Montreal.¹⁹² Under all the circumstances of the case, he would say, that it ought not to be forced on them at this juncture. He would therefore move in amendment, that all after the word “resolve” be struck out, and that the following be inserted instead thereof: “That it is inexpedient to consider the question of the permanent Seat of Government during the present session.”¹⁹³

MR. LORANGER rose to a question of order. On the 17th of March last, the same amendment was¹⁹⁴ moved by Mr. Gamble¹⁹⁵ and negatived by a majority of eight.¹⁹⁶

MR. SICOTTE the SPEAKER then read the motion referred to by the hon. member for Lapra[i]rie, and also Mr. Cameron’s amendment thereto, to the effect, that until the expenditure [sic] necessary for the erection of Parliament buildings in the various cities contending for the permanent Seat of

Government be estimated, that it was inexpedient to discuss the question. That amendment had been confirmed by the House¹⁹⁷. Those estimates were now before the house, and might perhaps be considered by some hon. members as sufficient to change their opinions as to the expediency or inexpediency of again considering the question this session. He therefore ruled that the amendment of the hon. member for Lambton was perfectly in order.¹⁹⁸

MR. LORANGER said, there was one thing very remarkable, and that was, that the hon. member for Lambton had not only not justified, but had not even attempted to justify the absurd system of perambulating Parliaments. That hon. member had endeavoured to set aside the motion before the House by saying that by declaring that a decision on the question of a permanent Seat of Government, would be to fix it in Montreal, or some other city in Lower Canada; and in order to prevent such a vote he opened his speech by clap-trap, and by endeavouring to excite religious and political prejudices¹⁹⁹ [with his] arguments on the stupid question of representation by population. Let the member for Lambton bring that question up, and it would be met in a manly manner, not by these side winds and appeals to prejudices. It was said that as we had two systems of law, &c., the interests of both provinces must be protected by a perambulating Seat of Government. Could anything be more absurd than that such a way should be adopted to remedy such an evil? He felt none of that fear of the influence of one ... part of the province over the Legislature, which was felt by the member for Lambton.²⁰⁰ He (Mr. Loranger) repeated now what he had said in Quebec, that if a majority of this house was in favour of a permanent Seat of Government in Upper Canada, he would vote for Upper Canada. All he wanted was a permanent Seat, wherever it might be.²⁰¹ His great principle, and the one he pledged himself to, was that he would vote for that place as a permanent Seat of Government, that the majority of the people through their representatives thought fit to name.²⁰² Why was the member for Lambton satisfied that if there was a permanent Seat of Government, it must be in Lower Canada? Was it that his own conscience told him it must be in Lower Canada? Was it that he was satisfied that Montreal was the most suitable place, and that it must go there?²⁰³ And if this were so, why did he feel so much fear of Montreal, as if it were not a Christian city? For mere petty motives — because the Seat of Government had only been in Toronto 10 months, and he wanted it for 4 years, as if the Seat of Government were a prey, of which all parties should get the largest share they could.²⁰⁴ Members should deal with this question as if the expense of removal came out of their own pockets. In that case they would soon arrive at a permanent seat.²⁰⁵ He then went over the arguments of expenditure caused by Montreal. He confessed it, but he wanted a permanent place, and when the member for Lambton said that Lower Canada had never given other than a selfish vote, he reminded him of the votes of Lower Canadians for Toronto, Kingston, and Bytown, — anywhere for a permanent place.²⁰⁶ As to the expense that would be incurred by establishing a permanent Seat of Government, it would amount to but £300,000; and by returns lately laid before the house, it appears that the alternative [sic] system had already cost the country £300,000.²⁰⁷ In a very few years, as much money would be thrown away in the expenses of removal, as would erect permanent buildings of a very superior character.²⁰⁸ After arguing the question of expense, he replied to what had been said about the impropriety of selecting Montreal. That the majority must decide on all subjects, and as to legislating under Lower Canadian influence, which was talked of, he had seen the member for Lambton at Quebec, and saw no difference produced on him by Lower Canadian influences.²⁰⁹ He felt convinced that the country at large demands a permanent Seat of Government; and that it was only in this House that opposition would be met with.²¹⁰

MR. POWELL would reply to the remarks which had fallen from the hon. member for Lambton, as to the selfishness of members from the district of the Ottawa. He would inform him that they rose superior to any such local jealousies as had been so unjustly insinuated²¹¹, and would vote for a permanent Seat of Government, whether, the majority of this house should decide for Ottawa or for some other place. He was astonished that the member for Lambton should have argued, as if the fabric of the Union was of so slight a nature, that its permanency depended on the question of the Seat of

Government. He believed that the Union rested on a much surer basis, and he hoped the house would not be frightened by any such bugbears raised by the member for Lambton.²¹² He (Mr. P.) voted for permanency.²¹³

MR. TERRILL had always previously given a silent vote. But he wished to state that he would vote for permanency because he considered this perambulating system was an abominable one, supported only by a selfish desire to share the spoils. He was surprised that hon. members of this house should put their patriotism in their pocket, and support such a system. It had been stated a few nights ago that the credit of the Province was in a shattered state, and the hon. member for Lambton had declared that he would do all he could to sustain it. But could the hon. member have uttered words more calculated to shake the credit of the Province, than his declaring that we must continue this system, and that the necessary consequence of any attempt to depart from it would be a dissolution of the union.²¹⁴ That gentleman was not stating the case fairly when he stated that the Lower Canadian members were influenced by local views. The House is told, as an evidence of the superiority of Lower Canada, that it will have to pay £250,000 of the expence. He was not prepared to go into that question; but he would remind the house of the statement of the Inspector General the other night in the house, that the trade of Montreal was one-third of the whole trade of the Province.²¹⁵ For his own part, his decided preferences were in favour of Montreal, as a permanent Seat of Government. (Hear, hear.) As to the argument of the hon. member for Lambton,²¹⁶ [that] he had never known Lower Canada members [to] vote otherwise than for selfish ends²¹⁷ [and] that it would be dangerous to legislate under Lower Canada influence, he would say that it was for this house to express its opinion whether that influence was dangerous, and if so, the house could say that the Seat of Government should be permanently fixed in Upper Canada.²¹⁸ For his part he did not see any difference in the influence that might be exercised either in Upper or Lower Canada. He hoped that the motion of the hon. member for Glengarry would be sustained.²¹⁹

MR. GAMBLE said that the true question was, whether Montreal was to be the permanent seat of Government or not. If that was now the real intention of the hon. members from Lower Canada, they would not have spoken so eloquently in regard to the advantages and trade of that city. Such was the light in which the question was to be viewed.²²⁰ At the same time, ... he would accord to Lower Canadian members their full influence in accordance with their population.²²¹ But he would repeat the declaration of the hon. member for Lambton that the people of Upper Canada would never consent to legislation being carried on in Lower Canada under Lower Canada influences. (Hear, hear.) To take such a step would be a death blow to the Union.²²² It is not a question of pounds, shillings and pence, neither of whether it shall be four years here or four years there, but a principle is involved of far more importance even than the Union.²²³ [If] the Seat of Government [was] established in Lower Canada..., the sympathies of Upper Canada would wander in another direction — in a direction where their commerce was going, for they would never consent to legislate under influence over which they could exercise no control.²²⁴ (Loud cries of question, question.)²²⁵

MR. CAMERON said that the difficulties of the question had been in no measure removed by the estimates sent down by the Government. A sorrier document was never furnished by a Government.²²⁶ The cost of the proposed building[s] had been set down at £300,000, and this he thought was more than the Province could spare under present circumstances.²²⁷ And with the knowledge that we are certainly to be called on for £200,000 per annum for interest on Grand Trunk bonds, with the knowledge that that might spread to a much larger amount, and that it would be necessary immediately to provide for that by additional taxation — in these circumstances he asked was it prudent to go to an expence of £400,000 for permanent Government buildings? (Hear, hear.)²²⁸ The course for our adoption in this case was the same as if we were putting up a building for ourselves. He was of opinion, that on no account was it advisable that the Seat of Government should be permanently established in Montreal,

and sooner than consent to its location there, he would consent to Kingston, Ottawa, or in fact in any other part of the Province. There was not the least necessity for bringing this matter forward at the present time, neither was the House, the Government or the country prepared to pronounce an opinion as regarded the heavy expenses to be incurred — all these points have first to be well considered. On some points he differed from the hon. member for Lambton, more especially in his charge that the Lower Canadians would only vote for selfish motives, for he was well aware that they had freely given their votes for the assembling again here, and he was prepared to carry out what he had pronounced in Quebec, that he would vote for its return there if it came up to Toronto. Members should not make such charges of voting for selfish motives. No doubt Upper Canadian members would prefer to have it located in Upper Canada, just as much as other members would desire it in Lower Canada. It would be advisable to consult the people upon this important subject; at the same time he was prepared to carry out what he had promised; and even if the majority determined upon Lower Canada, he was also prepared to go with that majority; at the same time he was of opinion that the present system tended materially to keep the union of the Provinces closely cemented together. That was the feeling at all events in Upper Canada. Not that he meant to say that a dissolution should follow the establishment of the Seat of Government in Lower Canada; or that it would influence the feelings of their minds as to our credit with other countries. It was no matter where they established it, so long as they preserved the credit of the Province.²²⁹ One hon. gentleman spoke as if the credit of the country depended in some way on there being a permanent Seat of Government. But he would ask, did the holders of their securities in England ever dream of asking where their Government House was situated, whether in Quebec or in Toronto, or in both? No, all they cared about was the ability of the Province to meet its engagements, which was a question altogether independent of whether there was a perambulating or a permanent Seat of Government.²³⁰

MR. LYON argued in favour of a permanent Seat of Government, and expressed his opinion that the threatened danger to the Union was a mere bugbear.²³¹ [He] complained of the levity with which this question was treated by members favorable to the perambulating system, and maintained if there were influences which made the spirit of Legislation different in the different sections, it was time that charge was brought to an end by both parties meeting on common grounds. The idea that the union depended on their perambulating system, was altogether unworthy of a statesman, and instead of the question being one between Montreal and other places, it was really one between Toronto and the rest of Upper Canada. If Lower Canadian influences were so dangerous to the member for Lambton, why did he want to go again to Lower Canada in four years more?²³² He could understand how the learned member for Toronto, who voted for Popish Institutions while in Quebec, and in Toronto was the advocate for strong Protestantism, might raise an argument against a permanent Seat of Government on account of the local influences of Lower Canada. But he could not understand how that argument should come from the member for Lambton and his friends, who had taken the same course in Quebec that they did in Toronto.²³³ The argument in the mouth of Mr. Brown could only shew he never meant to go back to Lower Canada.²³⁴ The interests of the two sections of the Province are fast bound together; no time should be lost in deciding this question; and he, for one, would be an advocate for fixing the permanent seat of Government at Gaspé, Sandwich — or, in fact, anywhere in the Province, before allowing it to be fixed in this city — for²³⁵ he considered that of all places in Canada, Toronto was the one where there were the most influences at work interfering with fair and just legislation. (Oh! Oh!)²³⁶ Though in favor of Ottawa, [he] was by no means afraid of Montreal.²³⁷

MR. BOWES regretted that the hon. gentleman, who had just resumed his seat should have alluded so pointedly to the city of Toronto, and, in reply, he would beg to make a few observations. That hon. gentleman had asserted that he would vote for fixing the Seat of Government anywhere in the Province [sic], sooner than in Toronto, because the Legislature was subject to outside control while

in this city.²³⁸ And what reason has he for the opinion? Is it because a few senseless and worthless vagabonds choose to put up some foolish placards?²³⁹

MR. LYON interrupted, by saying that for all the senior member for Toronto knew about his motives, he might have alluded to the frequent dinner parties given to the members of that hon. House. (Laughter.)²⁴⁰

MR. BOWES said that the hon. gentleman had an admirable [k]nack of getting out of a difficulty. However, with respect to the question now before the House, he would say, that the Government ought to have decided on it. One of the conditions of the Act of Union, was that the Seat of Government should be permanently fixed in Upper Canada; and another condition was, that Upper Canada should have representation by population. Now he quite agreed with the hon. member for Lambton, that if one of those conditions were ignored, the other fell to the ground also, and the principle of the Union was virtually annulled. Now, he was not in favor of representation by population, but²⁴¹ as the Att. General [East] had said, that if representation by population were carried, Lower Canada would seek a different state of existence, so he might say, that in case of a permanent seat of government in Lower Canada being determined on, Upper Canada would seek another state of political existence. He did not believe that local influence changed the spirit of legislation in the two Provinces.²⁴² It had been asserted, that £70,000 for each removal were required to keep up this permanently [sic] system. But he would remind hon. gentlemen, that the cost of the last removal had been estimated at only £20,000, and he understood, that when the Grand Trunk was completed, that the Directors would be willing to guarantee the removal of the whole of the furniture from Toronto to Quebec for £10,000²⁴³ [OR] £2000²⁴⁴.

MR. AT. GEN. DRUMMOND. — State your authority.²⁴⁵

MR. BOWES said that if the hon. Attorney General East would insist on it, he would state his authority. After some further remarks the hon. gentleman declared his intention of voting for the amendment of the hon. member for Lambton, with the exception, that their friends from Quebec, who had formerly joined with them in voting for a continuance of the present system, would continue to do so²⁴⁶ until it has got such a permanent hold of the country that it could not be broken up²⁴⁷; and he could assure those hon. gentlemen that if they pursued that course, they would get the Upper Canadian members of their party voting with them, as they had promised, for the return of the Parliament to Quebec, after four years.²⁴⁸

MR. AT. GEN. DRUMMOND would not have spoken on this subject, had it not been for certain statements which had been made. It seemed to be the understanding to discuss the matter on broad principles, but at the last moment reproaches had been hurled at the city of Montreal and the inhabitants of that important district.²⁴⁹ After some remarks as to the opinions he had formerly expressed on this question, [he] stated that he had endeavored to look beyond mere local influences in this matter.²⁵⁰ He was not in favour of Montreal being the permanent Seat, (hear, hear.)²⁵¹ His vote would be recorded in favor of a place upon the line between Upper and Lower Canada, the selection of which would [sic] tend to cement the Union. He had been charged with insincerity; but he had stood up in an assembly of 400 with only four to back him, in favor of the union, in the darkest days they had ever seen in Lower Canada. Let those who could understand those feelings say he was not sincere, as to others he did not care what they said. He trusted that the men who had known him for years would believe him when he said, he had never considered [sic] this as a local question. It was unworthy [of] a statesman to look upon it as such. It was a great and important question, and one in which the honour of the future of the country is bound up, — and one which in an economic and a moral point of view was of great interest to the country.²⁵² And he considered himself bound at this moment, in justice to the friends who had supported him upon this occasion, and the cause he was espousing, to come forward and say what site

he would choose.²⁵³ The member for Toronto, on a former occasion, had talked of making two seats of government, in order to carry out the bargain which had been made by the members connected with two cities, against the interest of all the rest of the Province. What consistency was there then in that member now pretending so great a horror at the idea of spending what was necessary for erecting a single seat of government?²⁵⁴ [He] considered his remarks of no value, because, if they continued the present system it would entail more than double the expense. The place which he would select would be neither in Upper Canada nor Lower Canada; and by that means he would put an end to that unfortunate bickering which this question had always given rise to. He would place the Seat of Government in a place inhabited both by French Canadians and old country people — where the two languages were spoken. He would place it in that valley which contains wealth far more abundant than the wealth of California, if they knew ... how to make use of it; for he would maintain that there was more wealth in the valley of the Ottawa and St. Maurice than in all California. He would place it half way between the sea-board and Lake Huron, upon that great highway which must be made, and which he hoped to be made ere long, to take the teeming wealth of the West from Lake Huron to the seaboard. He would place it in a position of safety in time of war — far from the frontier, and just in a position where every stone that was laid down would be laid down for the benefit of the country, which was not the case in building up frontier cities. The valley of the Ottawa must always be tributary to Montreal and Quebec, it never could be tributary to the United States. He admired the city of Montreal; he admired the people; he admired their self reliant energy and their total want of jealousy against all other places on this question. He admired that absence of selfishness which induced them — every man of them, to vote that the Seat of Government should be in Quebec.²⁵⁵ But he looked beyond that city for the seat of Government. He remarked upon the statement of Mr. Gamble — of his desire for another kind of union in preference of going to Lower Canada; and he hoped it would be remarked by the member[s] for Quebec, in proof of gentlemen's abhor[r]ence of going to Lower Canada, and he also desired the members for Quebec, to note the objection to the motion made by the member for Toronto, which was chiefly based on cost. How would that suit the gentlemen who wished for a system which would render it necessary to lay out a large sum of money in Quebec for a suite of buildings there.²⁵⁶ But to return to the financial question; he considered that the estimate the Government sent down was a monstrous one. It was altogether unnecessary that they should imitate the lavish expenditure of European nations in the construction of their public buildings. They should look rather at the neighboring cities. He should like hon. gentlemen, who had not been there, to take a run over to Montpelier in Vermont and they would see there a magnificent capitol built for £25,000, a beautiful building of marble. He could not see why they should expend £300,000 upon their building. The estimates sent down were never based upon a plan approved by Government. They were based upon a plan drawn by Mr. Cumberland, but which Government never could approve of on account of their expense. Feeling, that the Commissioner of Public Works would not adhere to his (Mr. Drummond's) opinions in this respect, he applied by telegraph to one of the best architects in the Province. He applied to Mr. George Brown of Montreal, a gentleman of great experience, and who is always correct in his estimates. He had known cases of private buildings based upon Mr. Brown's calculations, and they were always found to be accurate. He had received a very minute estimate from Mr. Brown, detailing the whole measurements and quantities, and instead of £300,000 he found the highest estimate to be only £178,315, and the lowest was £151,515. The difference between Toronto and Montreal was a mere difference of £5000, a circumstance that would never weigh in the consideration of this question. If then, the City of Ottawa be not carried by a majority, he would vote for the City of Montreal, and he would continue to vote until they had succeeded in obtaining a permanent seat of Government²⁵⁷, but he had no prejudice against the selection of any particular site. He had told the people of Quebec, that rather than that the ambulatory system of government should continue, he would vote for Toronto being the seat. (Hear, hear.)²⁵⁸ But there would be a saving of about £1,400 a year in the mere travelling expenses of the members, to have the seat of Government fixed in Ottawa. The average distance to Quebec, was 342 miles, to Montreal

336, to Toronto 510, and to Ottawa 257. He wished to have a place fixed upon, where the seat of Government would be a bond of union between the two sections of the country, instead of as at present, the cause of strife and discord.²⁵⁹ The hon. gentleman then blamed the Commissioner of Public Works for not bringing down proper estimates.²⁶⁰

MR. COM. PUB. WORKS LEMIEUX replied to the hon. gentleman in French, and said the hon. gentleman had acted very unwisely in sending on to Montreal to know whether a less estimate could be had than £300,000.²⁶¹ If the Attorney General had no confidence in the Department of Public Works, he should have moved that the question be referred to Mr. Brown, without taking that underhanded way of obtaining the estimates. The hon. gentleman cited several instances in which he had known Mr. Brown as far astray in his estimates as any other architect.²⁶²

MR. AT. GEN. DRUMMOND contended that he had a perfect right to obtain all the information he could upon so important a question, particularly in support of the position. He telegraphed for such information as he thought would be best — not because he suspected the Commissioner of Public Works; but because he might be able to meet the House upon the question, before he knew the calling for estimates was a mere evasion.²⁶³

MR. WILSON said, if this were so important a question as the Attorney General said, it ought to be a govt. question, but this was not.²⁶⁴ [He] had been surprised at the spectacle which the house had witnessed. They found that the Attorney General East had so little confidence in the Hon. Commissioner for Public Works' estimate that he could not rely upon a statement which came from his department. (Hear, hear.) If anything showed the weakness of the Government it was that. (Hear, hear.)²⁶⁵ The country he thought could not help being thoroughly disgusted at the spectacle they had just witnessed.²⁶⁶

MR. LARWILL, in a very comical manner, alluded to the useless expenditure caused by migratory Parliaments, but yet thought that the present system was about the best that could be had, and the expence must be borne by the country. ("Question, question.")²⁶⁷

MR. SICOTTE the SPEAKER then put Mr. Brown's Amendment²⁶⁸.

(303)

Mr. Brown moved in amendment to the Question, seconded by Mr. Hartman, That all the words after "That" to the end of the Question be left out, and the words "it is inexpedient to consider the Question of a Permanent Seat of Government during the present Session" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

(304)

YEAS.

Messieurs Aikins, Alleyn, Biggar, Bowes, Brown, Cameron, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Christie, Clarke, Conger, Cook, Dionne, Evanturel, Fergusson, Foley, Octave C. Fortier, Fournier, Frazer, Gamble, Gould, Hartman, Jackson, Larwill, Lemieux, Lumsden, Macbeth, Attorney General Macdonald, Mackenzie, Matheson, Merritt, Joseph C. Morrison, Angus Morrison, Munro, Niles, Pouliot, Robinson, Roblin, Rolph, Solicitor General Ross, James Ross, Scatcherd, Solicitor General Smith, James Smith, Southwick, Spence, Stevenson, Wilson, and Wright. — (53.)

NAYS.

Messieurs Bell, Bourassa, Brodeur, Bureau, Cartier, Church, Cooke, Crawford, Crysler, Daly, Charles Daoust, Jean B. Daoust, Darche, Delong, Desaulniers, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Egan, Felton, Ferres, Ferrie, Thomas Fortier, Galt, Gill, Guévremont, Holton, Huot, Jobin, Labelle, Laberge, Laporte, LeBoutillier, Loranger, Lyon, John S. Macdonald, Roderick McDonald, McCann, Marchildon, Masson, Mattice, Meagher, Mongenais, Papin, Patrick, Poulin, Powell, Prévost, Price, Rankin, Rhodes, Sanborn,

Shaw, Somerville, Supple, Taché, Terrill, Thibaudeau, Turcotte, Whitney, Yeilding, and Young. — (65.)

So it passed in the Negative.

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Bell, Bourassa, Brodeur, Bureau, Cartier, Church, Cooke, Crawford, Crysler, Daly, Charles Daoust, Jean B. Daoust, Darche, Delong, Desaulniers, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Egan, Felton, Ferres, Ferrie, Thomas Fortier, Galt, Gill, Guevremont, Holton, Huot, Jobin, Labelle, Laberge, Laporte, LeBoutillier, Loranger, Lyon, John S. Macdonald, Roderick McDonald, McCann, Marchildon, Masson, Mattice, Meagher, Mongenais, Papin, Patrick, Poulin, Powell, Prévost, Price, Rankin, Rhodes, Sanborn, Shaw, Somerville, Supple, Terrill, Thibaudeau, Turcotte, Whitney, Yeilding, and Young.* — (64.)

(305)

NAYS.

Messieurs *Aikins, Alleyn, Biggar, Bowes, Brown, Cameron, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Christie, Clarke, Conger, Cook, Dionne, Evanturel, Fergusson, Foley, Octave C. Fortier, Fournier, Frazer, Gamble, Gould, Hartman, Jackson, Larwill, Lemieux, Lumsden, Macbeth, Attorney General Macdonald, Mackenzie, Matheson, Merritt, Joseph C. Morrison, Angus Morrison, Munro, Niles, Pouliot, Robinson, Roblin, Rolph, Solicitor General Ross, James Ross, Scatcherd, Solicitor General Smith, James Smith, Southwick, Spence, Stevenson, Taché, Wilson, and Wright.* — (54.)

So it was resolved in the Affirmative.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. J.S. MACDONALD then rose, congratulated the house on the successful result of his motion, and said that it was now for the Government to dispose of the matter.²⁶⁹

(305)

Mr. *Chisholm* moved, seconded by Mr. *Daly*, and the Question being put, That this House do now adjourn; the House divided: — And it was resolved in the Affirmative.

The House adjourned accordingly.

Appendix

[NOTICES OF MOTIONS RE: SEAT OF GOVERNMENT.]

MR. AT. GEN. DRUMMOND [gave notice that] on Wednesday next [he would move] in the event of a resolution being, in the meantime, adopted by this house, in favour of a Permanent Seat of Government:

That in order to facilitate the selection of a proper place for a permanent Seat of Government it is expedient that it be and is hereby resolved by this house, that no place other than one of the cities hereinafter named, be selected or proposed for selection, as the place where the Seat of Government is to be permanently fixed, viz:

Toronto,
Quebec,
Montreal,
Ottawa,
Kingston,
Hamilton;

and that in the event of all motions proposing the said places, respectively, being rejected in the first instance, it shall be competent to any one or more members to propose a second time any one or more of the said cities for selection as a proper place for the Permanent Seat of Government; and it shall be competent for this house to deal with any such proposal in the same way as with a motion not previously considered during the present Session, notwithstanding any rule or usage of this house to the contrary, and that the said resolutions do take precedence of all other motions and notices of motions on Wednesday next.²⁷⁰

MR. WHITNEY [gave notice that] on Wednesday next [he would move], That inasmuch as this house had declared in favour of a Permanent Seat of Government, the question of the locality where the Seat of government shall be permanently fixed, be taken up on that day.²⁷¹

MR. J.S. MACDONALD [gave notice that] on Wednesday next [he would move], That the question of a permanent Seat of Government having been resolved in the affirmative, he will on that day move the house to select such Permanent Seat.²⁷²

MR. LORANGER [gave notice that] on Wednesday next [he would move], That it is the opinion of this house that Montreal shall be constituted the Capital of Canada; that the Seat of Government shall be permanently fixed thereat, and that an Address to this effect be accordingly presented to His Excellency the Governor General.²⁷³

MR. PATRICK [gave notice that] on Wednesday next [he would move], That in the opinion of this house, the City of Ottawa is the most eligible place for the future Capital of Canada, and it is recommended that after 1859, the Parliament be permanently convened in that City, and that suitable buildings be forthwith commenced for the accommodation of the Legislature and Government.²⁷⁴

MR. AT. GEN. J.A. MACDONALD [gave notice that] on Wednesday next [he would move], That in the opinion of this house, the City of Kingston is the most eligible place for the future Capital of Canada, and that after 1859 the Parliament be permanently convened in that city, and that suitable buildings be forthwith commenced thereat for the accommodation of the Legislature and Government.²⁷⁵

[QUESTION & ANSWER RE: EDUCATION IN LOWER CANADA.]

MR. DUFRESNE enquired of the Ministry, whether it is their intention to introduce any uniform system of instruction throughout the country, by the introduction of uniform school books on each branch of education into all the schools of Lower Canada.²⁷⁶

MR. AT. GEN. DRUMMOND²⁷⁷ [OR] MR. PROV. SEC. CARTIER said the Government would endeavour to carry out the object of the hon. member's motion as far as possible.²⁷⁸

[QUESTION & ANSWER RE: PARLIAMENT BUILDINGS IN QUEBEC.]

MR. THIBAudeau enquired of the Ministry, whether in case a permanent Seat of Government is not decided upon during the present Session, it is their intention to recommend to this house to vote a sum of money for the rebuilding of the old Parliament House at Quebec, or for the erection of new buildings?²⁷⁹

MR. AT. GEN. DRUMMOND said: The Government would wait until the house had declared its opinion upon the question of the Seat of Government, before they moved further.²⁸⁰

[QUESTION & ANSWER RE: CUSTOMS HOUSE IN HAMILTON.]

MR. FOLEY, in the absence of Mr. Freeman, enquired of the Ministry, when the Government intend to commence the erection of the Custom[s] House in the city of Hamilton, and why its erection has been so long delayed?²⁸¹

MR. COM. PUB. WORKS LEMIEUX replied, that plans were not yet adopted, but so soon as they were adopted, the Government would proceed in the matter.²⁸²

Footnotes

1. *Toronto Daily Leader*, 15 April 1856.
2. *Ibid.*
3. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
4. *Toronto Daily Leader*, 15 April 1856. This debate was inserted at this point in the day's proceedings following the sequence reported in *Hamilton Spectator Semi-Weekly*, 16 April 1856.
5. *Globe*, 15 April 1856.
6. *Toronto Daily Leader*, 15 April 1856.
7. *Ibid.*
8. *Ibid.*
9. *Hamilton Spectator Semi-Weekly*, 16 April 1856.
10. *Globe*, 15 April 1856.
11. *Hamilton Spectator Semi-Weekly*, 16 April 1856.
12. *Ibid.*
13. *Globe*, 15 April 1856.
14. *Toronto Daily Leader*, 15 April 1856.
15. *Globe*, 15 April 1856.
16. *Toronto Daily Leader*, 15 April 1856.
17. *Globe*, 15 April 1856.
18. *Ibid.*
19. *Toronto Daily Leader*, 15 April 1856.
20. *Hamilton Spectator Semi-Weekly*, 16 April 1856.
21. *Ibid.*
22. *Globe*, 15 April 1856.
23. *Ibid.*
24. *Toronto Daily Leader*, 15 April 1856.
25. *Globe*, 15 April 1856.
26. *Ibid.*
27. *Ibid.*
28. *Toronto Daily Leader*, 15 April 1856.
29. *Hamilton Spectator Semi-Weekly*, 16 April 1856.
30. *Globe*, 15 April 1856.
31. *Toronto Daily Leader*, 15 April 1856.
32. *Hamilton Spectator Semi-Weekly*, 16 April 1856.
33. *Toronto Daily Leader*, 15 April 1856.
34. *Ibid.*
35. *Hamilton Spectator Semi-Weekly*, 16 April 1856.
36. *Toronto Daily Leader*, 15 April 1856.
37. *Globe*, 15 April 1856.
38. *Hamilton Spectator Semi-Weekly*, 16 April 1856.

39. *Globe*, 15 April 1856. *La Minerve*, 26 April 1856, reports that the notice of motion referred to by Mr. Brown was put by Dr. Masson.
40. *Toronto Daily Leader*, 15 April 1856.
41. *Hamilton Spectator Semi-Weekly*, 16 April 1856.
42. *Ibid.*
43. *Ibid.*
44. *Ibid.*
45. *Ibid.*
46. *Hamilton Spectator Semi-Weekly*, 16 April 1856. *La Minerve*, 26 April 1856, reports the following information regarding Mr. Cauchon's speech: "M. Cauchon assure ... [M. Cameron] qu'il restera fidèle à la foi jurée entre les Québécois et les Torontonais; mais il ne voit pas en quoi leur cause commune pourra gagner d'avoir la discussion différée de 24 ou de 48 heures."
47. *Hamilton Spectator Semi-Weekly*, 16 April 1856.
48. *Toronto Daily Leader*, 15 April 1856.
49. *Ibid.*
50. *Ibid.*
51. *Globe*, 15 April 1856.
52. *Hamilton Spectator Semi-Weekly*, 16 April 1856.
53. *Ibid.*
54. *Ibid.*
55. *Ibid.*
56. *Ibid.*
57. *Toronto Daily Leader*, 15 April 1856.
58. *Toronto Daily Leader*, 15 April 1856. Telegraph (*Montreal Gazette*, 15 April 1856), notes that "the call of the House stood at the head of the orders of the day," which may explain the object of this short discussion.
59. *Globe*, 15 April 1856.
60. *Globe*, 15 April 1856. *Hamilton Spectator Semi-Weekly*, 19 April 1856, reports that "Mr. Cayley offered some remarks in reply, which were inaudible amid the loud talk of a crowd in the reporters' gallery."
61. *Globe*, 15 April 1856.
62. *Toronto Daily Leader*, 15 April 1856.
63. *Ibid.*
64. *Globe*, 15 April 1856, specifies that this Bill proposes "to incorporate a Company to construct a Line of Telegraph from Quebec and the Labrador coast across the Atlantic."
65. *Toronto Daily Leader*, 15 April 1856.
66. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
67. *Toronto Daily Leader*, 15 April 1856.
68. *Globe*, 15 April 1856. This debate, also reported in *Hamilton Spectator Semi-Weekly*, 19 April 1856, was reconstituted in an arbitrary manner since it is reported quite differently from one newspaper to the other. The speeches from both sources were kept in their entirety, respecting the sequence given by each source.
69. *Globe*, 15 April 1856.
70. *Ibid.*
71. *Ibid.*
72. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
73. *Ibid.*
74. *Ibid.*
75. *Hamilton Spectator Semi-Weekly*, 19 April 1856. This paper, along with *Globe*, 15 April 1856, specifies that "Mr. Aikins consented to withdraw his motion." This information, however, is contradicted by the text of the *Journals*, from which it appears that the Address passed the House. We can infer from the *Journals* that Mr. Aikins only consented to remove the name of Trinity College from his Address.
76. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
77. *Hamilton Spectator Semi-Weekly*, 19 April 1856. *Toronto Daily Leader*, 15 April 1856, reports that "a short discussion took place on this motion.... It was contended that the effect of this motion would be to exclude the notices of hon. gentlemen who might not happen to be present when they were called." No speaker is reported to have made such a statement in *Hamilton Spectator Semi-Weekly*.
78. *Toronto Daily Leader*, 15 April 1856.
79. *Ibid.*
80. *Hamilton Spectator Semi-Weekly*, 19 April 1856.

81. *Toronto Daily Leader*, 15 April 1856.
82. *Hamilton Spectator Semi-Weekly*, 19 April 1856. This paper attributes both this speech and the succeeding one to Mr. Powell. *Toronto Daily Leader*, 15 April 1856, reports that Mr. Powell spoke, but does not provide an account of his speech. It is therefore impossible to ascertain which speech was actually made by Mr. Powell.
83. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
84. *Toronto Daily Leader*, 15 April 1856.
85. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
86. *Globe*, 15 April 1856.
87. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
88. *Globe*, 15 April 1856.
89. *Toronto Daily Leader*, 15 April 1856.
90. *Globe*, 15 April 1856.
91. *Toronto Daily Leader*, 15 April 1856.
92. *Montreal Gazette*, 16 April 1856.
93. *Toronto Daily Leader*, 15 April 1856.
94. *Ibid.*
95. *Globe*, 15 April 1856.
96. *Toronto Daily Leader*, 15 April 1856.
97. *Globe*, 15 April 1856.
98. *Toronto Daily Leader*, 15 April 1856.
99. *Toronto Daily Leader*, 15 April 1856, differs from the *Journals* and reports that "after some conversation the motion was withdrawn." No other newspaper reports such information.
100. *Globe*, 15 April 1856.
101. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
102. *Globe*, 15 April 1856.
103. *Montreal Gazette*, 16 April 1856.
104. *Globe*, 15 April 1856.
105. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
106. *Montreal Gazette*, 16 April 1856.
107. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
108. *Globe*, 15 April 1856.
109. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
110. *Globe*, 15 April 1856.
111. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
112. *Globe*, 15 April 1856.
113. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
114. *Globe*, 15 April 1856.
115. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
116. *Globe*, 15 April 1856.
117. *Montreal Gazette*, 16 April 1856.
118. *Globe*, 15 April 1856.
119. *Toronto Daily Leader*, 15 April 1856.
120. *Globe*, 15 April 1856.
121. *Toronto Daily Leader*, 15 April 1856.
122. *Globe*, 15 April 1856.
123. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
124. *Montreal Gazette*, 16 April 1856.
125. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
126. *Globe*, 15 April 1856.
127. *Montreal Gazette*, 16 April 1856.
128. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
129. *Montreal Gazette*, 16 April 1856.
130. *Hamilton Spectator Semi-Weekly*, 19 April 1856. *Montreal Gazette*, 16 April 1856, differs from this newspaper and reports the following information regarding the said committee: "Among them were Mr. Hume, Mr. Chas. Grant, Mr. W. Winne, Lord J. Russell, the Chancellor of the Exchequer, Mr. Abercrombie, afterwards Speaker, Mr. Bethall, Chairman of Committees of House, Mr. Walter, Mr. Lambton, afterwards Lord Durham, Mr. Gladstone, Mr. Alex. Barnes, and Sir Robert Peel."

131. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
132. *Globe*, 15 April 1856.
133. *Toronto Daily Leader*, 15 April 1856.
134. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
135. *Globe*, 15 April 1856.
136. *Toronto Daily Leader*, 15 April 1856.
137. *Montreal Gazette*, 16 April 1856.
138. *Toronto Daily Leader*, 15 April 1856.
139. *Montreal Gazette*, 16 April 1856.
140. *Toronto Daily Leader*, 15 April 1856.
141. *Montreal Gazette*, 16 April 1856.
142. *Toronto Daily Leader*, 15 April 1856.
143. *Globe*, 15 April 1856.
144. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
145. *Ibid.*
146. *Globe*, 15 April 1856.
147. *Ibid.*
148. *Ibid.*
149. *Toronto Daily Leader*, 15 April 1856.
150. *Globe*, 15 April 1856.
151. *Ibid.*
152. *Toronto Daily Leader*, 15 April 1856.
153. *Montreal Gazette*, 16 April 1856.
154. *Toronto Daily Leader*, 15 April 1856.
155. *Ibid.*
156. *Ibid.*
157. *Ibid.*
158. *Ibid.*
159. *Montreal Gazette*, 16 April 1856.
160. *Toronto Daily Leader*, 15 April 1856.
161. *Montreal Gazette*, 16 April 1856.
162. *Globe*, 15 April 1856.
163. *Montreal Gazette*, 16 April 1856.
164. *Hamilton Spectator Semi-Weekly*, 19 April 1856. *La Minerve*, 26 April 1856, reports a short commentary on this debate.
165. *Globe*, 15 April 1856.
166. *Ibid.*
167. *Ibid.*
168. *Ibid.*
169. *Ibid.*
170. *Toronto Daily Leader*, 15 April 1856.
171. *Ibid.*
172. *Globe*, 15 April 1856.
173. *Toronto Daily Leader*, 15 April 1856.
174. *Montreal Gazette*, 16 April 1856. *Toronto Daily Leader*, 15 April 1856, specifies that "only nine members were absent". Both *Globe*, 15 April 1856, and *Montreal Gazette*, 16 April 1856, list the names of the nine absentees, one of whom is Mr. Larwill. However, the *Montreal Gazette* then reports that "Mr. Larwill subsequently came in". His name is therefore not in the list as it appears in the *Journals*.
175. *Globe*, 15 April 1856. *La Minerve*, 26 April 1856, notes that this debate started around 10 o'clock.
176. *Toronto Daily Leader*, 15 April 1856.
177. *Montreal Gazette*, 16 April 1856.
178. *Toronto Daily Leader*, 15 April 1856.
179. *Montreal Gazette*, 16 April 1856.
180. *Globe*, 15 April 1856.
181. *Toronto Daily Leader*, 15 April 1856.
182. *Montreal Gazette*, 16 April 1856.
183. *Globe*, 15 April 1856.

184. *Globe*, 15 April 1856.
185. *Toronto Daily Leader*, 15 April 1856.
186. *Globe*, 15 April 1856.
187. *Montreal Gazette*, 16 April 1856.
188. *Globe*, 15 April 1856.
189. *Toronto Daily Leader*, 15 April 1856.
190. *Globe*, 15 April 1856.
191. *Ibid.*
192. *Ibid.*
193. *Toronto Daily Leader*, 16 April 1856.
194. *Ibid.*
195. *Globe*, 15 April 1856.
196. *Toronto Daily Leader*, 16 April 1856.
197. *Ibid.*
198. *Globe*, 15 April 1856.
199. *Toronto Daily Leader*, 15 April 1856.
200. *Montreal Gazette*, 16 April 1856.
201. *Globe*, 15 April 1856.
202. *Toronto Daily Leader*, 15 April 1856.
203. *Globe*, 15 April 1856.
204. *Montreal Gazette*, 16 April 1856.
205. *Toronto Daily Leader*, 15 April 1856.
206. *Montreal Gazette*, 16 April 1856.
207. *Toronto Daily Leader*, 15 April 1856.
208. *Globe*, 15 April 1856.
209. *Montreal Gazette*, 16 April 1856.
210. *Toronto Daily Leader*, 15 April 1856.
211. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
212. *Globe*, 15 April 1856.
213. *Toronto Daily Leader*, 15 April 1856.
214. *Globe*, 15 April 1856.
215. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
216. *Globe*, 15 April 1856.
217. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
218. *Globe*, 15 April 1856.
219. *Toronto Daily Leader*, 15 April 1856.
220. *Ibid.*
221. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
222. *Globe*, 15 April 1856.
223. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
224. *Montreal Gazette*, 16 April 1856.
225. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
226. *Globe*, 15 April 1856.
227. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
228. *Globe*, 15 April 1856.
229. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
230. *Globe*, 15 April 1856.
231. *Ibid.*
232. *Montreal Gazette*, 16 April 1856.
233. *Globe*, 15 April 1856.
234. *Montreal Gazette*, 16 April 1856.
235. *Toronto Daily Leader*, 15 April 1856.
236. *Globe*, 15 April 1856.
237. *Montreal Gazette*, 16 April 1856. *Toronto Daily Leader*, 15 April 1856, mistakenly attributed this speech to Mr. Terrill. In response, this gentleman wrote a letter to the Editor of the *Toronto Daily Leader*, which is as follows: "SIR. — I notice that in your issue of this day's date, you have fallen into the error of attributing to me remarks touching the Seat of

Government which I never made. As the language imputed to me is not mine and does not convey my sentiments, in reference to the City of Toronto, I beg you will do me the justice to correct the error, and set matters aright." The letter was reported in *Toronto Daily Leader*, 16 April 1856.

238. *Toronto Daily Leader*, 15 April 1856.
239. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
240. *Toronto Daily Leader*, 15 April 1856.
241. *Ibid.*
242. *Montreal Gazette*, 16 April 1856.
243. *Toronto Daily Leader*, 15 April 1856.
244. *Montreal Gazette*, 16 April 1856.
245. *Toronto Daily Leader*, 15 April 1856.
246. *Ibid.*
247. *Globe*, 15 April 1856.
248. *Toronto Daily Leader*, 15 April 1856.
249. *Montreal Gazette*, 16 April 1856.
250. *Toronto Daily Leader*, 15 April 1856.
251. *Globe*, 15 April 1856.
252. *Toronto Daily Leader*, 15 April 1856.
253. *Globe*, 15 April 1856.
254. *Montreal Gazette*, 16 April 1856.
255. *Toronto Daily Leader*, 15 April 1856.
256. *Montreal Gazette*, 16 April 1856.
257. *Toronto Daily Leader*, 15 April 1856.
258. *Globe*, 15 April 1856.
259. *Toronto Daily Leader*, 15 April 1856.
260. *Globe*, 15 April 1856.
261. *Globe*, 15 April 1856. This newspaper also reports a short commentary regarding Messrs. Drummond and Lemieux's speeches.
262. *Toronto Daily Leader*, 15 April 1856.
263. *Ibid.*
264. *Montreal Gazette*, 16 April 1856.
265. *Globe*, 15 April 1856.
266. *Toronto Daily Leader*, 15 April 1856.
267. *Globe*, 15 April 1856.
268. *Globe*, 15 April 1856. *Toronto Daily Leader*, 15 April 1856, and *Hamilton Spectator Semi-Weekly*, 19 April 1856, both report that the question was put on Mr. Brown's amendment "at 12 o'clock."
269. *Globe*, 15 April 1856. *La Minerve*, 26 April 1856, reports a commentary on this debate.
270. *Globe*, 16 April 1856.
271. *Ibid.*
272. *Ibid.*
273. *Ibid.*
274. *Ibid.*
275. *Ibid.*
276. *Globe*, 15 April 1856.
277. *Toronto Daily Leader*, 15 April 1856.
278. *Globe*, 15 April 1856.
279. *Ibid.*
280. *Ibid.*
281. *Ibid.*
282. *Ibid.*

TUESDAY, 15 APRIL 1856

(305)

MR. SPEAKER acquainted the House, that the Clerk of this House had received from the Clerk of the Crown in Chancery, the following Certificate: —

Province of *Canada*.

This is to certify, that in virtue of a Writ of Election, dated the twenty-seventh day of February last past, issued by His Excellency the Governor General, and addressed to the Registrar of the County of *Renfrew*, (*James Morris*, junior, Esquire,) Returning Officer *ex officio* for the said County of *Renfrew*, for the election of a Member to represent the said County of *Renfrew* in the Legislative Assembly of this Province, in the present Parliament, in the room of the Honorable *Francis Hincks*, who, since his election as the Representative of the said County of *Renfrew*, in the said Legislative Assembly of the said Province of *Canada*, had, under the provisions of the Act passed in the seventh year of Her Majesty's Reign, chaptered sixty-five, given notice of his intention of resigning his seat in the said Legislative Assembly of the said Province, and had resigned and vacated his seat accordingly, whereby the said County of *Renfrew* stood unrepresented in the said Legislative Assembly; *John Supple*, Esquire, has been returned as duly elected accordingly, as appears by the Return to the said Writ of Election, dated the thirty-first day of March last, which is now lodged of record in my office.

Office of the Clerk of the Crown in Chancery,

Toronto, 14th April, 1856.

Félix Fortier,

Clerk of the Crown in Chancery.

To *W.B. Lindsay*, Esquire,

Clerk of the Legislative Assembly, *Toronto*.

(306)

Mr. Speaker laid before the House, — Statements of the affairs of the *London Savings' Bank*, on the 29th February, 1856, and of the *Gore Bank*, on the 31st March, 1856.

For the said Statements, see Appendix (No. 5.)

The following Petitions were severally brought up, and laid on the table: —

By Mr. *Antoine Aimé Dorion*, — The Petition of the Mayor, Aldermen, and Citizens of the City of *Montreal*.

By Mr. *Bowes*, — The Petition of the *Toronto* House of Industry.

By Mr. *McCann*, — The Petition of the Municipality of the Township of *East Hawkesbury*.

By Mr. *Yeilding*, — The Petition of the President and Directors of the General Protestant Hospital, County of *Carleton*; and the Petition of the Mayor, Aldermen, and Commonalty of the City of *Ottawa*.

By Mr. *Fournier*, — The Petition of the Municipality of *St. Jean Port Joli* and of the Township of *Fournier*.

By Mr. *Cook*, — The Petition of *James Ban* and others, of the Township of *Norwich*; and the Petition of *Asa Durkee* and others, of the Township of *South Norwich*.

By Mr. *Lyon*, — The Petition of *Archibald LeRoy*, of the Township of *East Hawkesbury*.

By Mr. *Daly*, — The Petition of *Alexander Gourlay* and others, of the Township of *Ellice* and neighbourhood.

By Mr. *Matheson*, — Four Petitions of the Municipal Council of the County of *Oxford*.

By Mr. *Darche*, — The Petition of *Pierre Lacroix* and others, of the Parish of *St. Bruno*, County of *Chambly*.

By Mr. *Rankin*, — The Petition of *James Devlin* and others, of the Township of *Maidstone*; and the Petition of the Municipality of the Township of *Maidstone*.

By Mr. *Cooke*, — The Petition of *Thomas Boyes* and others, of the Township of *Templeton*, County of *Ottawa*.

By Mr. *Biggar*, — The Petition of *P. German* and others, of the County of *Prince Edward*.

By Mr. *Chisholm*, — The Petition of *Thomas C. Street* and others, of the Township of *Stamford*; and the Petition of *W.A. Rooth* and others, of the Township of *Stamford*.

By Mr. *Hartman*, — The Petition of *John Rutherford* and others, of the Township of *King*; the Petition of *John D. Davis* and others, of the Township of *Whitchurch*; and the Petition of *Joseph Larkin* and others, of the Township of *King*.

By Mr. *Brown*, — The Petition of *P. Maguire* and others, of the Village of *Millbrook*, County of *Durham*; the Petition of *W.M. Mitchell* and others, of the Village of *Acton* and vicinity, County of *Halton*; and the Petition of *James Brown* and others, of the Townships of *Fullarton* and *Downie*.

By Mr. *Christie*, — The Petition of *Daniel McNaughton* and others, of the Township of *Onondaga*.

By Mr. *O'Farrell*, — The Petition of *Thomas Webb* and others, of the Township of *Brighton*.

Ordered, That the Petition of *Charles Allan*, Warden of the County of *Wellington*, be referred to the Select Committee to which was referred the Petition of the Municipality of the Township of *Woolwich*, County of *Waterloo*.

(307)

Mr. *Papin*, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Third Report of the said Committee; which was read, as followeth: —

Your Committee have examined the Bill to amend the Act of incorporation of [the] *L'Assomption* River and Railway Company, and also the Bill to incorporate a Company by the name of the North-Western Railway Company, and have agreed to several amendments to each, which they humbly submit for the adoption of Your Honorable House.

Ordered, That the Bill to amend the Act of incorporation of the *L'Assomption* River and Railway Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for To-morrow.

Mr. *Stevenson*, from the Standing Committee on Printing, presented to the House the Eleventh Report of the said Committee; which was read, as followeth: —

Your Committee have examined the following Documents, and recommend that they be printed in extenso, viz: —

The Report of the Select Committee appointed to inquire into the cause of the failure of Justice (if any,) in the case of the Queen *vs. Kelly* and others, tried in the month of February last, before the Criminal Court at *Quebec*, and into the origin of the disturbances which have recently occurred at *St. Sylvester*. Estimated cost, Two pounds fifteen shillings; the number usually printed.

The Return to an Address, shewing in detail the parties and bodies with whom commutation has been made under the Provincial Statute 18 *Vic.* cap. 2, section 3, Clergy Reserves. Estimated cost, Sixteen pounds; the usual number of copies.

And the Return to an Address for a copy of the Report of the Magistrate in command of the Government Schooner "*La Canadienne*," in the Gulf of the *St. Lawrence*, during the year 1855. Estimated cost, Fourteen pounds; the usual number to be printed.

Your Committee have also examined the Accounts of the Supervisor of Cullers at *Quebec*, and of the Deputy Supervisors at *Sorel*, *Montreal*, and *Lachine*, for the year 1855, and recommend that the following only be printed: —

The Supervisor of Cullers' General Statement of Receipts and Disbursements.

Statement of Lumber measured, culled, and counted, at the Port of *Quebec*.

Disbursement account of Salaries paid Clerks employed by the Supervisor of Cullers.

Statement of Contingent Disbursements for the Supervisor of Cullers.

Amount paid to Deputy Supervisor at *Sorel*.

An Abstract of the number of pieces and cubic feet of each description of Timber measured and culled under the superintendence of the Supervisor of Cullers at *Quebec*.

An abstract of the number of pieces of all Lumber, (Square Timber excepted,) measured, culled, and counted off, under the superintendence of the Supervisor of Cullers, with the section of the Province where from.

Schedule of Documents connected with the Accounts of the Deputy Supervisor of Cullers at *Sorel*.

Statement of Timber measured at *Sorel*, and the section of the Province where produced.
An Abstract of the quantity of Timber measured at *Sorel*, chargeable with Crown Timber dues.

Statement shewing Amount of Crown Timber dues accruing and secured on Timber measured at *Sorel*.

(308) General Statement of Receipts and Disbursements for measuring and culling Timber at *Sorel*.

And a Statement of Timber measured and culled at *Montreal* and *Lachine*. Estimated cost, Forty-five pounds; the usual number to be printed.

Your Committee are of opinion, that the following papers accompanying these Accounts should not be printed, as giving information of no public benefit, viz: —

Inventory of Sundry Articles of Office Furniture remaining [sic] in the possession of the Supervisor of Cullers.

Statement of Crown Dues as furnished the Supervisor of Cullers by the Collector of Timber Duties, and endorsed by the Supervisor on the several specifications of the respective Rafts.

Statement of Fees paid to Cullers in their respective Departments for work performed.

And Inventory of Office Furniture at *Sorel*, and Vouchers number one to number five, for Expenditures by the Deputy Supervisor at that place.

On motion of Mr. *Antoine Aimé Dorion*, seconded by Mr. *Papin*,

Ordered, That the time for receiving Private or Local Bills be further extended until the first day of May next.

Ordered, That the Bill to incorporate a Company by the name of the North-Western Railway Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for Thursday next.

MR. MERRITT moved for the suspension of the 62nd Rule in regard to the bill to incorporate a Company to construct a Road from Queenston to intersect the Great Western Railway at or near St. Catharines.¹

(308) *Ordered*, That the 62nd Rule of this House be suspended as regards a Bill to incorporate the *Queenston* and Great Western Railway Company.

Ordered, That the Honorable Mr. *Merritt* have leave to bring in a Bill to incorporate the *Queenston* and Great Western Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

Ordered, That the Order of the day for the House in Committee on the Bill to incorporate the *Buffalo* and Lake *Huron* Railway Company, and for other purposes, be postponed until To-morrow, and be then the First Order of the day.

On motion of Mr. Solicitor General *Smith*, seconded by the Honorable Mr. *Cartier*,

Ordered, That the Orders of the day be now read.

And the Order of the day for the second reading of the Bill to amend and extend the Charter of the *Amherstburg* and *St. Thomas* Railway Company, being read;

On motion of MR. RANKIN,²

(308) The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to amend the Charter of the *Ontario*, *Simcoe*, and *Huron* Railroad Company, being read;

On motion of MR. J. MORRISON,³

(308) The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to incorporate the *Canada* Marine Insurance Company, being read;

On motion of MR. HOLTON,⁴

(309) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate the Town of *Sarnia*, being read;

On motion of MR. BROWN,⁵

(309) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill for the incorporation of the *Saugeen* Harbour Company, being read;

On motion of DR. CLARKE,⁶

(309) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill from the Legislative Council, intituled, "An Act to amend and consolidate the several Acts incorporating the *Mount Royal* Cemetery Company," being read;

On motion of MR. YOUNG,⁷

(309) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate the *Canada* and *Liverpool* Mining Company, being read;

On motion of MR. FOLEY,⁸

(309) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to amend the Act incorporating the *Bond Head* Harbour Company, to increase the Capital Stock of the said Company, and for other purposes, being read;

On motion of MR. MUNRO,⁹

(309) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to vest a certain portion of the allowance for Road[s] in the Township of *Trafalgar* in the County of *Halton*, in the Municipal Council of the Township of *Trafalgar*, being read;

On motion of MR. CHISHOLM,¹⁰

(309) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to authorize the Court of Chancery and the Courts of Queen's Bench and Common Pleas in *Upper Canada*, to admit *Henry Spencer Papps* to practise as a Solicitor and Attorney, being read;

On motion of MR. A. MORRISON,¹¹

(309) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to separate the Counties of *Huron* and *Bruce*, and for other purposes, being read;

On motion of MR. JACKSON,¹²

(309) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to enable the *Hamilton* Hotel Company to increase their Capital Stock, and for other purposes therein mentioned, being read;

On motion of MR. ROBINSON,¹³

(309) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

MR. PROV. SEC. CARTIER moved the reception by the House of the report of the Committee of the Whole on the subject of superior education in Lower Canada.¹⁴

MR. TERRILL, in consequence of the manner in which his remarks on the Lower Canada school loan had been reported in the Montreal papers, explained that he had not said anything against the establishment of a Normal School in the Eastern Townships; but that, on the contrary, he was favorable to that idea. He only thought that it was idle, &c., to go there, if only one were established for Lower Canada. He urged upon the Provincial Secretary, if he established two schools, of giving but one to Montreal, with a French and English department, and an English school to the Townships.¹⁵

[Mr. Cartier's] motion was agreed to.¹⁶

(310) Mr. *Evanturel*, from the Committee of the whole House to take into consideration certain Resolutions on the subject of the encouragement of Superior Education and the establishment of Normal Schools in *Lower Canada*, reported several Resolutions; which were read, as follow: —

1. *Resolved*, That a permanent Fund be established for the promotion of Superior Education in *Lower Canada*.

2. *Resolved*, That the Estates and Property of the late Order of Jesuits be appropriated as the capital of such Fund; and that all moneys arising, as capital, from the sale or commutation of any portion thereof, be invested as part of such Fund.

3. *Resolved*, That the revenues and interests arising from the said Fund, with the unexpended and unclaimed yearly balances of the Common School Fund for *Lower Canada*, and a yearly sum of Five thousand pounds from the Consolidated Revenue Fund of this Province, with such further sum, (if any,) from the *Lower Canada* School Fund, as may be necessary to make up a total of Twenty-two thousand pounds, yearly, be appropriated as an Income Fund, applicable yearly to the purposes aforesaid.

4. *Resolved*, That the amount of the said Income Fund, or such portion thereof as the Governor in Council may direct, and except such as may be required for other purposes under the following Resolutions, be yearly apportioned by the Superintendent of Schools for *Lower Canada*, in such manner and amongst such Universities, Colleges, Seminaries, Academies, High or Superior Schools, Model Schools, and Educational Institutions, other than the ordinary Elementary Schools, as the Governor in Council shall approve, and subject to such conditions as he may direct.

5. *Resolved*, That such sum as the Governor in Council may direct, not exceeding Five hundred pounds in any year, be yearly appropriated as an aid towards the formation of Parish or Township Libraries, in localities where adequate contributions may have been made for the same purpose.

6. *Resolved*, That the Governor in Council be authorized to adopt all needful measures for the establishment of one or more Normal Schools in *Lower Canada*, containing one or more Model Schools, for the instruction and training of Teachers, to select the site or sites for the same, and to erect or procure the requisite buildings and appurtenances.

7. *Resolved*, That a sum, not exceeding One thousand five hundred pounds, be yearly applied out of the Common School Fund for *Lower Canada*, for the salaries of Officers and Contingent Expenses of such Normal School or Schools; and a further sum, not exceeding One thousand pounds yearly, as an aid to facilitate the attendance of Teachers at the said Normal School or Schools; with power to the Governor in Council to apply to the said purposes a further sum, not exceeding Two thousand five hundred pounds, out of the said Income Fund, if the sums first mentioned be found insufficient.

8. *Resolved*, That a sum, not exceeding Two thousand pounds, be yearly set apart, appropriated, and invested under the orders of the Governor in Council, to form, with the proceeds of any property already acquired for Normal School purposes in *Lower Canada*, and not deemed suitable therefor, a Building Fund to defray the expense of providing the necessary sites, buildings, and appurtenances for the said Normal School or Schools.

9. *Resolved*, That the sum of Five thousand pounds be appropriated yearly out of the Consolidated Revenue Fund for the encouragement of Superior Education in *Upper Canada*, to be distributed by an annual Parliamentary vote, among the Collegiate Educational Institutions in that portion of the Province, or such of them as the Legislature shall designate.

MR. PROV. SEC. CARTIER then moved that the report of the Committee of the Whole be concurred in.¹⁷

MR. J. DORION, before concurring in these resolutions, would like to make a few remarks. The hon. gentleman expressed himself opposed to these resolutions, because they proposed a depletion of the present inefficient Common School Fund, and the effect would be to cause the large property of the Jesuit's Estate Fund, now in possession of the Government, to become a burden instead of being a source of revenue. By the last published Report of the Commissioners of Crown Lands, be [sic] found that the amount due on their estates, in ... was £30,000 arrears; while the whole revenue of these properties only amounted to £4,000, out of which amount, £1,079 were expended in the collection of the revenue. Now, he thought the Government ought to take some steps in order to make these properties contribute much more. His opinion was, that they ought to be sold, and that the sale ought to be by public auction.¹⁸ If ... the Jesuits' property now in the hands of the Imperial Government ... [were] handed over to the Provincial Government and sold, the revenue from the Jesuits' Estates would be increased three or four fold. He did not object to the proceeds of the Jesuits' Estates being devoted to Education, but he objected strongly to the mode in which it was proposed to be done in the Resolutions now before the house.¹⁹ The Jesuits' estates fund only produced £7000 a year. To that £5000 was to be added, to make up, together with the deduction from the common school fund ... the sum of £22,000 per annum. Now, the Jesuits' estates making only £13,000 at the very outside, £9000 would be required from the common school fund. He objected to such a deduction as that, especially as another £2000 was mentioned to come out of the same common school fund.²⁰ With regard to the assertion, that it was proposed to increase the Common School Fund this year, he would assert, that such increase was

scarcely worth the name. Up to 1851, Lower Canada enjoyed £29,000 out of the £50,000 devoted to the support of Common Schools in Canada. But since then, Lower Canada's share had dwindled down to about £24,800.²¹ Even before the Union, Parliament in Lower Canada voted £30,000²² [OR] £50,000²³ for common schools alone, and therefore the amount now proposed was, considering population, much too small. The third normal school he decidedly objected to. If one school were enough in Quebec, one ought to be enough in Montreal. The only reason of the difference in his opinion was that the Catholic and Anglican Bishops agreed as to the schools in Quebec, and these dignitaries did not agree in Montreal. He did not believe there would be as many schoolmasters brought up in the normal schools as Mr. Cartier believed, unless a larger sum than was now proposed were given to common schools, for young men would not devote themselves to the business of schoolmasters if the rewards in that profession were not more considerable than at present.²⁴ He looked upon it as a most objectionable feature in the resolutions, that the control of the house over the distribution of the grants to Academies, &c., was to be handed over to the Government. He believed that this had been pressed upon the Government by certain influences from Lower Canada. It was well known that the Clergy of Lower Canada had at different times before the Union endeavoured to get the funds of the Jesuits' Estates into their own hands, to distribute them where and how they pleased. And since the Union the same attempts had been several times repeated by the Clergy of Lower Canada to get hold of the property, and distribute it, as they said, among the Catholic population of Lower Canada. He firmly believed that these resolutions were the result of pressure on the Government by the Clergy, who by exercising their influence on the Superintendent of Education and on the Government of the day, would have the same control over the Jesuits' Estates, as if they had them in their own hands. He repeated it, he thought this was the last attempt by the Clergy to wrest those properties from Government. For his own part he was opposed to handing the property over to the Clergy, because he believed the consequence would be great abuses in its distribution. The effect of the present system would be this. The Bishop and Clergy would go to the office of the Superintendent of Education, and say, we want grants for this College and that College, and the Superintendent would not and dared not resist, and the Government would approve of the arrangements thus made. Now he wished the whole country to be placed on the same footing, and to have the funds appropriated to education fairly and justly appropriated, according to population. He therefore moved in amendment: —

"That the Report be not now received, but that it be sent back to the Committee of the Whole, with instructions to amend the same, by substituting for the resolutions of the Committee, the following resolutions: —

"First. That all the property of the late order of the Jesuits' be appropriated to the Common School Fund of Lower Canada, and that all the monies accruing as capital of the same, or commutation of any part of the said Estates be placed as part of such Fund.

"Secondly. That the revenues of such Fund be annually distributed to the scholastic municipalities of Lower Canada, according to their population, giving them the power of making the application of such parts of their funds, either for the encouragement of primary schools, secondary schools, or superior schools.

"Thirdly. That the sum of £5,000 be annually taken out of the Consolidated Revenue for the establishment of one or more Normal Schools in Lower Canada.

"Fourthly. That the sum of £5,000 be annually appropriated out of the Consolidated Revenue for the encouragement of Superior Education in Upper Canada, to be distributed amongst the Collegiate Educational Institutions of that part of the Province, or to such of them as the Legislature by an annual vote shall designate."²⁵

[The motion was] seconded by MR. PAPIN.²⁶

MR. BROWN said he would heartily join in sustaining the first part of the motion of the hon. member for Arthabaska, which it seemed to him, must meet the approval of a majority of the members

of the house. The Jesuits' Estates of Lower Canada, which formerly belonged to the Society of Jesuits — having been taken away from them, and become the property of the Province, were now proposed to be turned over for the support of sectarian institutions — almost exclusively under the control of the very power from which they were taken in the more healthy period of pure French Government.²⁷ It was true hon. gentlemen in that House had been told by the hon. mover of these resolutions that these estates were to be set apart for superior education. But he would remind that House that, in reality, the effect of such a bill would be precisely as he had stated it; for²⁸ hon. members had but to look at the Annual Estimates and Public Accounts, to be satisfied that the Superior Education of Lower Canada, was almost entirely under the control of the Roman priesthood. His hon. friend (Mr. J.B.E. Dorion), proposed to alter the resolutions of the hon. Provincial Secretary, and provide that these Jesuits' Estates should be applied towards the National Common Schools of Lower Canada for the education of the masses; and he did hope that the motion would be sustained by the house. But with regard to the latter clause of the motion, he thought it had much better be omitted.²⁹ It raised a question on which they were not now fairly called on to vote. If, therefore, the hon. member for Arthabaska would confine his resolution to the first portion, he (Mr. Brown) would be willing to support it, and he also felt that it would be in greater accordance with the wishes of the House.³⁰

MR. J. DORION had no objection, and would, therefore amend the latter clause by appending to it the following: "That the sum of £5,000 be annually appropriated out of the Consolidated Revenue, for the Common School Fund of Upper Canada."³¹

MR. SICOTTE the SPEAKER put to the house whether the alteration should be allowed.³²

MR. BUREAU would vote against the resolution in amendment thinking that the fund was necessary to collegiate Education in Lower Canada especially when it was remembered how small was the price the colleges of Lower Canada demanded from their *Elèves*, and how much was already given to common schools.³³

MR. SANBORN was very much astonished at the silence of the ministry, and every one of their supporters³⁴ in regard to these Resolutions, which was very mysterious upon a matter of so much importance. An attempt was made to introduce a principle which is not recognised in Upper Canada, and one quite unsound and indefensible. He referred particularly to the placing of the £22,000 in the hands of the Superintendent of Education, to be disposed of for the purposes of the colleges and higher schools in Lower Canada, without the previous vote of Parliament to that effect. (Hear, hear.) Now the Upper Canadian members of the Ministry, had not one of them raised their voices to say anything in regard to this matter. (Hear, hear.) Now he would like those hon. gentlemen who take the responsibility of this grant, to give a reason why they had remained silent, and why one system was sought to be applied to Upper Canada, and another to Lower Canada. If there was no other reason than that given by his hon. friend the other day, namely, that Lower Canadians were inferior to Upper Canadians in the matter, let that be brought forward — (hear, hear) — and be stated frankly. (Hear, hear.) But certainly it was an acknowledgment of an inferiority in position, that a mode of legislation should be adopted in regard to Lower Canadians which no minister would dare to attempt to carry out in Upper Canada. He had been told that this was in principle the same, and he was surprised to see the hon. member for Stanstead (Mr. Terrill) come forward ready to acquiesce in it, and say that the responsibility was the same upon the part of the Ministry or the Government to appropriate these grants as they were formerly appropriated, just as if they had been voted by Parliament. It was announced, after the whole evil was consummated in the system complained of, that it was a useless murmur. In 1839, when the Education Bill was before the Imperial Parliament, the following remarks were made by Sir Robert Peel, on its being proposed to interfere, not as in this instance, by putting directly into the hands of the Government the

disposal of the grants, but where even a committee was subject to the appointment, and was under the direct control of the Executive. Sir Robert said, "That the Executive Government might feel it to be its bounden duty to make great concessions for the purpose of maintaining their acts. I will give them the benefit of supposing that they may think it necessary to continue in office, not from any unworthy and disinterested motives, but to support prerogatives of the crown. Their motives may be pure and honourable, but it is not proposed to constitute a board independent of party or political organization. The board is constituted only of members of the Government, and how do I know but that they have done what they have to prevent themselves from dismissal by this house, that they may not make great concessions upon the subject of education and so on, and to keep out opponents whose accession to power they may consider dangerous. The very essence of our duties met the jealousy of the Executive, and we have a right to consider to what it would lead." These remarks were continued, and no one could deny that there was great force in them, or that the principle was equally bad here as it was in that case; and now he would ask most earnestly of the hon. member who had brought in these resolutions, what there was in the circumstances of the country which required the adoption of the proposed course, or this particular change? No petition had been presented to that effect. If there were reasons for it, why should they be concealed? So far as he could comprehend the resolutions of the hon. member for Arthabaska, he did not fully approve of them as a system; but as they proposed a system and he considered that better than [sic] the present, he knew that he would go against the prejudices of many hon. members, and perhaps many whom he represented, but he really thought that the "Granting System" was injurious to the country, and was calculated to demoralize the people, and destroy that independence which they ought to possess upon all subjects. He conceived that if a system were now permanently established, and an Act passed which would create in Lower as in Upper Canada, grammar schools, or schools which are secondary in their nature between colleges and common schools, and a sufficient sum to be appropriated, and the matter there should be ended, the house would not, year after year, be troubled with these grants, and every new Government use it as a means of obtaining petty patronage, to have an influence not only upon those who are called upon to discharge important duties here, but a still more mischievous one upon those whose duty it is to send representatives to Parliament, for it was useless to treat the matter with contempt, and to say, that every constituency may be bought here and there for the paltry sum of a few hundred pounds. No one could be blind to the fact, that this granting system had that most injurious effect upon the independence [sic] of feeling in the country, (hear, hear,) and he hoped that hon. members, particularly those who had incurred the responsibility of being in the Government, would come forward and give reasons why they made this proposal of innovation upon the former system.³⁵

MR. TERRILL wished to repel any attack made by the hon. member who just spoke upon him. What right had he to call *his* conduct into question for the part he had taken when these resolutions were last discussed before the House?³⁶

MR. SANBORN denied that he had done so.³⁷

MR. TERRILL might have misunderstood the hon. gentleman. But on a previous occasion the hon. gentleman had called the attention of the house to the fact, that he (Mr. Terrill) as a supporter of the Government, had succeeded in obtaining this and that favour at their hands, in the way of grants for particular Schools, while the hon. gentleman could only obtain one grant at the hands of the Government.³⁸

MR. PROV. SEC. CARTIER could not help conveying to the house his astonishment at the amendment proposed by the hon. member for Arthabaska.³⁹ He had already given every explanation he could on the subject of these resolutions; but as this amendment had been put, he must explain that the

Jesuits' estates have been always given for the encouragement of superior education, and the proposition made by Mr. Dorion now was to make the whole of that property go to common schools; that would be just as if all the endowment of King's College could be taken from that institution and given to common schools.⁴⁰ [He then] replied to the remarks of the hon. member for Arthabaska, in reference to the diminution of the Common School Fund by the appropriation of a portion of it to the promotion of superior education. The resolutions went only to apply the unappropriated balances of that fund,⁴¹ and it was always the intention of Government to increase the Common School Appropriation, which they had succeeded, too, in doing.⁴² Hon. gentlemen, he said, would, no doubt, be aware that in 1849 a Bill was passed appropriating 1,000,000 of acres of land and other property to create a fund of £100,000 currency, for the support of Common Schools in Lower Canada. Sales have already been made to the extent of 500,000 acres⁴³. (Hear, hear.)⁴⁴ And the proceeds of these sales, between £80,000 and £90,000, were in the hands of the Receiver General.⁴⁵ It was confidently hoped that in four or five years all those lands would be sold, and there would then be at the disposal of this Legislature for the Common Schools of both Sections of the Province, an annual income of £100,000. (Hear, hear.) The Provincial Revenue⁴⁶ will consequently be relieved of the present appropriations for Common School purposes, and the money now so devoted may be applied to the support of superior education, and the elementary schools in both sections may be more amply provided for. He objected therefore, to the amendment which proposed to devolve the whole of the Jesuits Estates to the support of Common Schools, and he did not think any hon. member for Upper Canada would support such a motion. The hon. Provincial Secretary then explained at some length the proposed plan in reference to the making up of the £22,000, by taking so much — say £10,000 from the Jesuits' Estates — £5,000 from the Consolidated Fund, and £7,000 from the unappropriated balances of the Common School grant⁴⁷. The Jesuits' estates in all produced £13,000, and it was intended to bring some of that property to call in a manner that would make the whole produce £15,000 a-year. There would then be no encroachment on the common schools, such as was dreaded by the member for Arthabaska. He repeated the denial he had given on a preceding night that the Government had made its school grants in a way to shew anything like favoritism, and gave several instances which he thought shewed that the constituencies returning opposition members got as much money for colleges as the others. The new plan, however, he believed would be better than the old, and the distribution of the money under that system would be subject to the control of the Ministry, and so to that of Parliament⁴⁸, by leaving the appropriation in the hands of the Superintendent, whose Report would be laid before the Governor in Council.⁴⁹ He then described the plan which had prevailed in Lower Canada in 1832, and said that the money was at that time distributed by the members, and the oldest militia officers of the county. There were all sorts of abuses under that plan, and the end of it was, many members covered themselves with shame, so that the Legislative Council of that day — wrongly, he thought, since the schools were doing some good, yet not without excuse — refused to vote any more money. The fact was, that members, who had received money to give prize books to the children, had either put the money into their own pockets, or bought sweet-meats for the children. In continuation, he showed that no recommendation of money grants could under his plan be made in favor of any college which did not report the extent of its library, &c., to the Government annually. The reason why a different system was required in Lower Canada from that which prevailed in Upper Canada, was that in Upper Canada there were fewer colleges than in Lower Canada. In Lower Canada there were so many colleges that a minute examination was necessary, in order to ... be just to all; besides the money for the U.C. colleges was appropriated [sic] with the King's College and all disposed of by the Governor in Council, yet that was a much larger fund than that set apart for superior education in L. Canada. The division of money for grammar schools in Upper Canada was also made by the Superintendent of Education.⁵⁰

MR. GALT referred to the injurious effects of the favouritism by which educational grants were made, in a manner to enable the Government to increase their political influence.⁵¹ In ... the instances

given by Mr. Cartier, as proof that the Government experienced no partiality in the distribution of school monies, ... he had mentioned the town of Sherbrooke. Well he [Mr. Galt] believed that the money given thus did a great deal of good, but he must say the Government had shewn a great deal of anxiety to distribute the money there,⁵² because they had actually voted a sum to a school which did not exist. He, however, deprecated the system acted upon by Government, which went to declare that grants to these public institutions could only be obtained by gentlemen supporting the Administration. It was desirable that the Government should be able to exercise no political influence whatever in regard to the degree of support they give to education in Lower Canada⁵³. In regard to the appropriation of the Jesuits' Estates, he would be glad to see them applied to superior education, and could not, therefore, support the amendment of his hon. friend from Arthabaska. He must say, however, that he thought the argument of the Hon. Provincial Secretary for placing this £22,000 at the uncontrolled disposal of the Government⁵⁴ [and] into the hands of an officer of the Government, free from the sanction of parliament⁵⁵, had altogether failed. And he considered it a particularly objectionable feature of this insidious scheme to take away the control of the public money from the Legislature, that it was done under the pretext of a zeal for education, which almost every one was anxious to promote.⁵⁶ As to the system in the U. States there were nothing in it like the plan now proposed by the Provincial Secretary. In Upper Canada the money was distributed according to population, except there was some reason to suppose there was an error in the census. The Superintendent of Education has no other discretion for the money had to be distributed according to population.⁵⁷

MR. BROWN said there were two points in the Provincial Secretary's remarks which he wished to correct. The hon. gentleman said that in Upper Canada there was a larger educational fund in the hands of the Government for distribution, than what would be placed by these resolutions in the hands of the Government for Lower Canada. The hon. gentleman referred to the funds of Toronto University.⁵⁸

MR. PROV. SEC. CARTIER. — What I said was that the income from the properties appropriated for the support of the University of Toronto and Upper Canada College, was distributed by the Senate, and their accounts have to be confirmed by the Visitor, who is the Governor in Council.⁵⁹

MR. BROWN replied ... that the Governor in Council had just as much to do with that appropriation as he (Mr. Brown) had. The Bursar of the institution manages all the financial affairs — pays the salaries of the Professors, and all other disbursements, according to the statute enacted by the House, and⁶⁰ the action of the Governor in that case amounted merely to a nominal overlooking of the accounts. The salaries of the Professors were fixed, and the contingent expenses could not amount to more than a few hundred pounds. There was thus no discretion left to the Government, and they did not interfere in the distribution of the funds in any way. It was a very different case, when it was left to the Government to say, which school they should support, and how much they would give to one school, and how much to another. Then in regard to what the Provincial Secretary had said about the Superintendent of Education in Upper Canada having power to distribute money — all he had to do was to apportion the money according to population; he could not go a step beyond the letter of the law as laid down by this house.⁶¹

MR. PROV. SEC. CARTIER said that by the law the Superintendent of Education in Upper Canada was directed to apportion the Grammar School Fund amongst the several counties according to the ratio of population, but the law left him a discretion to judge whether the census was defective or not, and in the event of his judging it to be defective, he made a more correct apportionment with the approval of the Governor in Council. There was thus an immense discretion left to him.⁶²

MR. BROWN. — It is quite clear that that is a very different case from that with which it is attempted to make it analogous. (Hear, hear.) The Superintendent has no discretion to give to one institution and not to another, but must proceed according to the rigid letter of the law, making a

distribution in the ratio of population. He cannot say — "I will give a grant to a Presbyterian institution to-day, and take it away to-morrow and give it to a Roman Catholic or a Baptist institution." If he could say this, it would be an analogous case to the scheme in those resolutions, but not otherwise. (Hear, hear.)⁶³

MR. AT. GEN. J.A. MACDONALD said it was repeated every session that the Government exercised favouritism in the distribution of educational grants, and it was to get quit of that that the present scheme had been proposed.⁶⁴ The old plan of voting grants in committee of the whole was confessedly inconvenient.⁶⁵ The best way was to get a responsible officer to make an annual report of the comparative *status* of the several institutions⁶⁶. The Superintendent of Education would apportion the money, and his report would be submitted to the House for their consideration. They will then have the evidence before them upon which the appropriations were made, and will ascertain if he has acted properly.⁶⁷ If the Government acted in opposition to the report of that officer, they would have to give good reasons for doing so,⁶⁸ and then it would be for the Legislature to judge whether the Government exercised favouritism or not. Permanent officers would feel responsible for rightly discharging the duties of their office. If they acted subserviently to one Administration, they knew that they could be removed by the next, and they would thus feel that not only their character, but their position and salaries depended on their acting correctly.⁶⁹ He thought this a step in the right direction. That it did not go so far as the Upper Canadian system, but Lower Canada was not situated as Upper Canada was, as the latter had none of those colleges scattered through the country, which Lower Canada, fortunately for her, possessed. It would be most unjust then to take away the money from those schools, and perhaps so to shut them up.⁷⁰

MR. A. DORION (Montreal) combated the arguments of the Attorney General, and pointed out that favouritism could be much more easily exercised under the proposed system, than under the present, where it was bad enough.⁷¹ There were only five or six colleges out of the cities, which gave education of a kind superior to that of grammar schools — the rest though called colleges, were nothing but superior schools, what he wanted then, was to let those colleges which were really colleges, be supported still, but to distribute grammar schools throughout the country according to population. Instead of that here was a plan to let the superintendent give money to any colleges he pleased, without any rule but his discretion. He moved to have the distribution so equitable, that no counties should be deprived of the benefits of having schools of a class, rather than the primary schools. He asked no favor for any one, but he did ask that there should be no apportionments, for favoring localities, for supporting ministers. The Provincial Secretary had said there was no favoritism in this distribution. Did not that gentleman write a letter to his constituents, saying that he was now a minister, prepared to do more for education in his County, than he had done before.⁷² There was another point to which he would call the attention of honourable members from Lower Canada. He hoped they would not be deluded by the idea that they would get a fund of £22,000 in the way proposed in these resolutions, unless a very large portion of the common School Fund was taken to make it up.⁷³ He was sure the Common School fund would be greatly reduced by such an appropriation, because, so far as he could understand, there were no such balances. He found in the Report of 1854, that the whole amount appropriated for Common School purposes in Lower Canada was, £30,622, and according to the statement of the Superintendent, the amount expended was £28,994, leaving unappropriated £627 11s. 3d. He could not ascertain the unappropriated balance of 1855, or of any year prior to 1854, and he was sure the hon. Provincial Secretary was entirely unable to tell what these unclaimed balances were. The hon. Provincial Secretary had made an allegation, that large grants of money had been made to counties represented by members of the Opposition, but, it was well known that all these grants were made by favoritism. He wanted to relieve hon. gentlemen of these imputations, by adopting a principle which was just in itself, and which would give the utmost satisfaction to the country generally.⁷⁴

MR. CAMERON wished to know whether the grants were to be annually voted by the House, or whether the appropriation to be made by the bill was to be permanent. He did not refer to the voting of the particular items, but he would be opposed to the system of appropriating the whole amount for all time to come, instead of being annually voted.⁷⁵ It was very important that the House should have the power of voting grants annually; and the proposed system took that power away from the House; he was therefore opposed to it.⁷⁶ He cared very little for the distribution, nor did he think there was any necessity for three normal schools in Lower Canada. He believed, moreover, that there should be in Lower Canada as in Upper Canada, a Council of Education⁷⁷, and [that] the distribution of the grants should be placed in their hands.⁷⁸ In that case he should have still less ... objection than he had now to distribution without a separate vote on each item.⁷⁹

MR. PROV. SEC. CARTIER said that the sum proposed to be set apart was to be a permanent one. There were several seigniories set apart in Lower Canada for educational purposes; and this bill proposed to deal with that property as the University property was dealt with here. It was proposed to set aside £5,000 annually for educational purposes⁸⁰ out of the consolidated revenue⁸¹.

MR. CAMERON did not think that the proposed amount was the question. It was the principle of the bill that he found fault with. This House should have the power to control the annual distribution of the fund.⁸²

MR. ROBINSON did not think there was much force in the hon. gentleman's objection, as, if the amount was wanted this year for education, it would be equally wanted next.⁸³ The proposed sum was not too much to be set apart for educational purposes. The proposed system ought not to be left to chance.⁸⁴

MR. CAMERON said that in England £50,000 was voted every year for education to be distributed by the Privy Council.⁸⁵ He contended that our system should be based on the same plan. It does not follow that because that sum is required one year, that it will be wanted the next year.⁸⁶ Let Parliament have the opportunity for voting for, or refusing this grant.⁸⁷

MR. PROV. SEC. CARTIER said the fund in question had not now to be voted, but had been already set apart for superior educational purposes.⁸⁸

MR. FELTON defended the course taken by the Government on the point objected to by the hon. member for Toronto.⁸⁹ [He] thought education should not be made to depend on an annual vote which might be opposed to a weak ministry.⁹⁰

MR. RANKIN, although he supported the resolutions, did not pledge himself to support the Bill to be founded on them. He would hesitate before assenting to any measure which would take away from the House its most important privilege, the annual control of the public expenditure.⁹¹

The House then divided on Mr. Dorion's amendment.⁹²

(310-311)

The Honorable Mr. *Cartier* moved, seconded by the Honorable Mr. *Lemieux*, and the Question being proposed, That the said Resolutions be now read a second time;

Mr. *Jean Baptiste Eric Dorion* moved in amendment to the Question, seconded by Mr. *Papin*, That all the words after "be" to the end of the Question, be left out, and the words "recommitted to a Committee of the whole House, with an Instruction to amend the same, by inserting instead thereof the following Resolutions:

1. "That all the Property and Estates belonging to the late Order of Jesuits be appropriated as a General Fund for Common Schools in *Lower Canada*, and that all the moneys accruing as the principal amount of any sale or commutation of any part of such Property be applied as forming part of such Fund.

2. "That the Revenues arising from the said Fund be distributed annually to the School Municipalities of *Lower Canada* in amounts proportioned to their population; and that power be given to the said Municipalities to apply the said part of their funds to the support of Primary, Secondary, or Superior Schools.

3. "That a sum of Five thousand pounds be appropriated annually out of the Consolidated Revenue Fund, for the establishment of one or more Normal Schools in *Lower Canada*.

4. "That the sum of Five thousand pounds be appropriated annually out of the Consolidated Revenue Fund to go to the General School Fund in *Upper Canada*;"

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bell, Brown, Christie, Cooke, Darche, Delong, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Fergusson, Ferrie, Gould, Hartman, Holton, Jobin, Roderick McDonald, Marchildon, Mattice, Merritt, Munro, Papin, Patrick, Rolph, Scatcherd, Somerville, and Young.* — (27.)

NAYS.

Messieurs *Alleyn, Biggar, Bourassa, Bowes, Brodeur, Bureau, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Clarke, Cook, Charles Daoust, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Egan, Evanturel, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Galt, Gamble, Gill, Guévremont, Labelle, Laberge, Laporte, Larwill, LeBoutillier, Lemieux, Macbeth, Attorney General Macdonald, McCann, Masson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Murney, Niles, Polette, Poulin, Pouliot, Powell, Price, Rankin, Robinson, Roblin, Solicitor General Ross, Sanborn, Shaw, Solicitor General Smith, Southwick, Spence, Stevenson, Supple, Taché, Terrill, and Whitney.* — (69.)

So it passed in the Negative.

It being six o'clock, MR. SICOTTE the SPEAKER left the chair.⁹³

[After the recess,]

MR. A. DORION (Montreal) begged to move an amendment which should secure the unclaimed balances of the Common School Fund for one year for the Common School Fund of next year. He moved —

"That the said resolutions be not now concurred in, but that they be referred back to the Committee of the Whole, with an instruction to amend the same by striking out the provision that the unclaimed yearly balances of the Common School Fund of Lower Canada shall be appropriated to the support of colleges and seminaries of Superior Education in Lower Canada, and to provide in lieu thereof that the said unclaimed balances of any one year shall be distributed for common school purposes, along with the School Grant of the year next ensuing."⁹⁴

MR. AT. GEN. DRUMMOND opposed the amendment, and accused the hon. member for Montreal of being an enemy of Superior Education in Lower Canada. He also controverted a statement made by the hon. member⁹⁵, that there were only five or six colleges out of the cities of Lower Canada which were superior to grammar schools.⁹⁶ He (Mr. Drummond) maintained that there were no less than 33 institutions established for the purpose of superior education in Lower Canada — and out of these 19 were collegiate institutions and 14 academies.⁹⁷ He said it was the fashion to run down the collegiate institutions of Lower Canada, and especially the academical institution of the Eastern Townships, but these latter turned out men as well versed in Mathematics as any institution in the Provinces [sic]. He instanced among others Bishops College as equal to any institution of learning in the Province, and Granby academy as giving an excellent education.⁹⁸

MR. A. DORION, on hearing the list read,⁹⁹ contended that his first assertion was quite correct. That out of the great cities there were only four or five which gave a superior education. The people of

Lower Canada did not consider such institutions as those at Point Levi or Berthier as colleges, although they were called such, in order to get them grants of money, or increase of grants.¹⁰⁰

MR. C. DAOUST supported the amendment¹⁰¹. No one on his side of the House had said anything in disparagement of the academical and collegiate institutions of Lower Canada; on the contrary, he had himself said they were better provided in this regard than the people of Upper Canada. He believed, indeed, we have too many of these schools pretending to give a superior education. They had not a system of crmmon [sic] schools as they had in Upper Canada, and that was what was wanted now, and which it was desirable to foster most liberally in Lower Canada. He went on to argue there was no necessity to take the unexpended balances of the common school fund to foster superior education, which would be well enough provided for withoul [sic] it¹⁰², and urged the importance of improving the character of the common schools, by providing them with sufficient funds. He explained at the same time his reason for having voted against the amendment of the member for Arthabaska, viz., that he was afraid the superior schools might not be well supported, if all those funds were taken from them.¹⁰³

MR. COOKE (Ottawa) thought the fact that the present condition of the collegiate education in Lower Canada, which was represented as so flouris[h]ing already, was proof that they did not need any increased aid from Government.¹⁰⁴ [He] was sorry that any thing should be taken out of the Common School Fund which at present was not large enough. He had known several applications for aid to schools to have been refused because there were no funds, and he intended, therefore, to vote for the amendment.¹⁰⁵

MR. PROV. SEC. CARTIER said, the hon. member for Montreal was always on his legs and speaking to this and other subjects, and he thought he should be posted up before he spoke.¹⁰⁶ He was surprised to hear the hon. and learned member for Montreal, and other hon. members opposite, perpetually reiterating the assertion that a greater sum was appropriated in Upper Canada to common schools than in Lower Canada. It was pardonable to have hazarded such an assertion at first, but after being corrected, and having time to examine the matter, it was not proper to reiterate such statements. Mr. Cartier then went on to show that the sums distributed among the Common schools in Upper Canada, according to the returns for several years past, were not greater than they had been in Lower Canada.¹⁰⁷ In Upper Canada the Common School Fund was £38,137, but the Common School Fund then might appropriate money to Grammar Schools, and the amount actually appropriated to Common Schools was some £23,000. The hon. member then gave a number of figures to show that in Lower Canada, also, the Common Schools would be well enough supported, even although the unexpended balances were devoted to Superior Education.¹⁰⁸ The two sums would be in a manner fused by the measure proposed by the Government; and as they hoped to add not only £5,000, as last year, but, if possible, still more this year, for the Lower Canada portion of the common school fund; there would be enough for both.¹⁰⁹

The House divided on Mr. Dorion's amendment¹¹⁰.

(311-312)

And the Question being again proposed, That the said Resolutions be now read a second time;

Mr. *Antoine Aimé Dorion* moved in amendment to the Question, seconded by Mr. *Charles Daoust*, That all the words after "be" to the end of the Question, be left out, and the words "recommitted to a Committee of the whole House, with an Instruction to amend the same, by leaving out the provision that the unclaimed yearly balances of the Common School Fund for *Lower Canada* shall be appropriated to the support of Colleges and Seminaries of Superior Education in *Lower Canada*, and providing in lieu thereof, that the said unclaimed balances of any one year shall be distributed for Common School purposes along with the separate grant of the year next ensuing" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bell, Bourassa, Brown, Christie, Church, Cooke, Charles Daoust, Darche, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Ferrie, Foley, Frazer, Freeman, Gamble, Gould, Holton, Huot, Jobin, Laberge, Roderick McDonald, Mackenzie, Marchildon, Mattice, Munro, Papin, Patrick, Sanborn, Somerville, Turcotte, Wright, and Young.* — (34.)

NAYS.

Messieurs *Alleyn, Biggar, Bowes, Brodeur, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Clarke, Conger, Cooke,*¹¹¹ *Crysler, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufesne, Egan, Evanturel, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Labelle, Laporte, LeBoutillier, Lemieux, Loranger, Lumsden, Macbeth, Attorney General Macdonald, McCann, Masson, Matheson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Niles, O'Farrell, Poulin, Pouliot, Prévost, Price, Robinson, Roblin, Solicitor General Ross, Shaw, Solicitor General Smith, Spence, Stevenson, Taché, Terrill, Thibault, and Whitney.* — (62.)

So it passed in the Negative.

MR. A. DORION (Montreal) said he had another amendment to move, as he desired that Lower Canada should fare as well as Upper Canada, but while the amount appropriated to Upper Canada was to be distributed by an annual vote, the £22,000 to Lower Canada was to be permanently voted away, and distributed by the Government.¹¹² There was a great cry some times about sectarian legislation, but this was one of the worst instances. He had seen provisions made in the same resolution for a different distribution in the two sections of the Province of similar sums of money, to be devoted to a similar purpose.¹¹³ Hon. gentlemen who desired uniform legislation for both sections of the Province, should support his amendment. He moved —

“That the report be not now concurred in, but that the same be referred back to the committee of the whole for the purpose of providing that the monies appropriated by any bill to be founded on the said resolutions, shall be distributed in the same manner in both sections of the Province.”¹¹⁴

MR. PAPIN supported the motion. He had heard no reason, not even a plausible pretext, offered by the Provincial Secretary, for the distinction he had made. The population of Lower Canada ought to have the same parliamentary control over its educational funds as the people of Upper Canada. Their right in this regard ought not to be taken away, and a power of arbitrary distribution in Lower Canada vested in the Government or Superintendent of education.¹¹⁵

MR. FELTON attacked the hon. member for Montreal for depreciating the Lower Canadian system of superior education, and opposed his motion.¹¹⁶ [He] contended at some length that the system of Upper Canada was entirely inapplicable to Lower Canada, and he felt convinced from the resolution, that the hon. gentleman who moved it did not know anything of the system he wished the House to adopt.¹¹⁷ His position was inconsistent. He first said he wanted the money disposed of by annual grants, and now he proposed the adoption of the Upper Canada system, under which the money was permanently set apart, and distributed under a law passed several years ago. He [Mr. Felton] attacked the member for Compton for blaming the distribution of the grants for superior schools in the St. Francis district. In the particular case he mentioned in his own county, he had complained that the Government had not given the grant to an Academy where he wanted it. No one else wanted it where the member for Compton did. Neither the majority of the county nor either the townships would have placed it there. Complaints of Government distribution come with a worse grace from the members from the city and district of Montreal. Although that city and district sent the largest number of Lower Canada opposition members into the House, they got a larger portion of the school fund than any other district, in proportion to the population.¹¹⁸

MR. SANBORN was surprised that the hon. member had the assurance to take up this matter in the way he did and invite attack in return, for in no matter was he more vulnerable than this. What had the hon. gentleman done last session? He had got a large vote of money for a female school in the town of Sherbrooke, intended for a nunnery which had not then founded its school, and afterwards, when it was drawn for an institution which really did exist, it was caused to be refunded to be handed over to the institution subsequently established, it was not granted. The grants to St. Francis he and others complained of, ---- that they were improperly obtained through improper influences. He got £100 for the academy in the town and £150 for the new founded school, both old grants, besides £150 to the Utopian School, not then in existence. This did not make the £600 to the town of Sherbrooke, about which the Provincial Secretary had spoken.¹¹⁹

MR. PROV. SEC. CARTIER. — I included the £300 to the college at Lennoxville.¹²⁰

MR. SANBORN. — Then the hon. member got £300 for St. Francis college, in his own constituency, not then organized — a grant to a college which he hoped to see successful. However, he got a grant of £75 for a school in Dunsville, which had never been in existence up to that time, and never would have had an existence, probably, but for this grant; and another £75 for Dunsville, where there had been a school for a year or two before. Not satisfied with doing so much for the constituency of his hon. friend the member for Sherbrooke and his own (Mr. Felton's), he next turned his attention to his (Mr. Sanborn's) constituents and, passing over a school already established and sup[p]orted at private expense for aid to which he (Mr. S.) had petitioned for two years before, he [Mr. Felton] got a grant for a school in a portion of the county where many of his (Mr. S's) political opponents lived, which went for a time on the strength of the grant and then broke down. Now the Provincial Secretary might pretend to see no evil in this sort of management of the educational Fund, but he could hardly conceive him so blind as not to understand the injurious effects this system was likely to produce.¹²¹

MR. PROV. SEC. CARTIER said that with respect to the petition for the Sherbrooke institution, of which the member for Compton had complained, the Government was not aware that the member for Richmond and Wolfe had anything to do with it when it was sent in. It was signed by Messrs. Cheney, Morkill and another, and he believed the hon. member for Compton himself. The Government imposed on by the petition, made the grant, and then the three other signers, who were trustees of another institution, drew it and were about to appropriate it to the use of which they were trustees, when the Government called on them to refund it, threatening criminal proceedings unless this were done. It seems they had attempted to get a double grant for one instruction [sic] under their petition. The bill he proposed to bring in would prevent any one obtaining grants improperly in this manner for institutions not in existence. The bill contained a clause prohibiting grants to institutions not already in operation and not in a certain measure out of debt.¹²²

MR. BROWN called the attention of Upper Canada members to the nature of Mr. Dorion's amendment. Its object was to provide that the grants for superior education in Lower Canada should be, as heretofore, annually placed in the estimates and voted upon by the house, instead of the whole amount being handed over to the Government and distributed as they pleased, as was proposed in the resolutions of the hon. Provincial Secretary. What the hon. member for Montreal desired was that the house should continue to vote these sums every year, and have an opportunity of receiving an explanation of each of the items, so that they might know what establishments they were supporting, and be able to satisfy themselves whether or not they were entitled to support.¹²³ Referring to the estimates he read separate items to Victoria College, Regiopolis College, to Government schools in var[i]ous counties, &c.¹²⁴ But what was proposed by the Government was, that instead of the amounts being placed before the house in that way, that they might know how they were voting away the public money, one sum covering the whole should be put into the estimates, and that even then no vote should be passed upon

it, as a sum appropriated under a statute. And what was the object of all this? It was to let the Roman Catholic clergy get the uncontrolled disposal of this large sum of money into their hands. (Cries of hear, hear, and oh! oh!) This £22,000 was to be handed over to Mr. Chauveau, the Superintendent of education, to be annually doled out by him to such institutions as he in his wisdom should deem expedient! True, the honourable gentlemen opposite had told them that the house would receive from the Superintendent an annual report, showing how the money had been expended. But what better would they be of that when the money would be spent? It would be closing the door, after the steed was stolen. (Hear, hear.)¹²⁵ They would have no effective control over the expenditure, such as they ought to have.¹²⁶ If hon. members supported this proposition to give up all proper check over the expenditure of the public money, they would not be true to their constituents. It was a scheme for giving £22,000 for the education of 15,000 children of the rich, while the remaining 285,000 children of the poor were to have but £17,000. (Hear, hear.) Was it not necessary that Parliament should have an opportunity of exercising a vigilant control over the distribution of those grants? Even under the present system, had there not been instances in which grants of money had been given to institutions which actually had no existence whatever? (Hear, hear.) The evil had been constantly growing. A few years ago, the list of sectarian institutions receiving grants, which now occupied three or four pages of the estimates, was confined to half a dozen of lines. But one government after another had availed themselves of this means of purchasing political influence, and had doled out the public money in constantly increasing streams, for the sustenance of these sectarian institutions. One hon. member would say to them one day, "You must give a grant to the school, or seminary, or nunnery, or something else, in my county, or I won't support you," and he would get it. Next year would come another member, and he must receive an equal amount from the public purse, and so on, it had gone increasing from year to year, until the list had grown to two pages long. But all this was nothing to the present proposal; the house was now actually asked to hand over £22,000 a year to the Government for these corrupt uses — to divest itself of all control over the way in which this vast sum should be distributed. He was utterly opposed to such a proposition, and trusted that the house would carry the amendment of his hon. friend from Montreal.¹²⁷

MR. AT. GEN. J.A. MACDONALD said, the House had heard great many homilies from the hon. member for Lampton [sic], but a more unfair one — more full of incorrect statements — he had never heard. He spoke as if in pursuance of the object contemplated by the Provincial Secretary's bill, but he had not failed on this occasion — as he never missed an opportunity when it presented itself — to appeal to the prejudices and arouse the fanaticism of any party in the House with whom such appeals might have effect¹²⁸, by speaking of Sectarian Schools and Roman Catholic priests.¹²⁹ (Hear, hear.) He had said, too, that the Government wanted the distribution of this fund placed in their hands as an engine of corruption¹³⁰, to enable them [sic] to increase their political influence.¹³¹

MR. MACKENZIE. — Not a doubt of it. (Hear, hear.)¹³²

[MR. AT. GEN. J.A. MACDONALD continued:] They had heard the speeches of several gentlemen, complaining that under the present system it was made a means by which Government favoured its friends. They accused the government of making grants improperly to constituencies of their supporters. — This was, according to the showing of hon. gentlemen an engine of corruption now, and it was of that engine the government desired to get rid, by handing over the distribution of the funds to a responsible officer¹³³. If the Government then wished to use these grants as a political system, would they not keep the system as it was?¹³⁴

MR. BROWN. — But you are making it worse. (Hear, hear.)¹³⁵

[MR. AT. GEN. J.A. MACDONALD continued:] Under the present system, it was complained that, year after year, the list of these grants was swelling up the estimate to an enormous amount, and now, when ministers sought to get rid of this constantly increasing evil and deprive themselves of the

power to bribe members with educational grants,¹³⁶ (ironical cries of hear, hear,)¹³⁷ as the gentlemen opposite insinuated had been done, they were told they were doing this for a political purpose — to increase the political influence of members. They were told, too, they were going to build up sectarian schools. He did not know what the hon. ... [member for Lambton] meant by sectarian schools; he did not know that their [sic] was such a thing¹³⁸ in the Common School system of Lower Canada. (Oh, oh.)¹³⁹ If he meant schools in which Catholics were taught, that would mean almost all the schools there were, since the great majority of the people of Lower Canada¹⁴⁰ happened to be Roman Catholics, and were entitled to have Roman Catholic Schools¹⁴¹; but they had repeated assurances of the extreme liberality with which the Roman Catholics of Lower Canada had dealt with their Protestant brethren. If the Government kept up the present system, might they not go round to Lower Canada members and ask them, "When can we give you £50 to establish or aid a school, which will keep your constituency quiet," and so secure a majority of Lower Canadian votes, and then the opposition would come down next year and declare, as it always did, that the distribution of the estimates of last year was a piece of corruption. They had had enough of debates of this sort. They had all seen hours upon hours, if not days upon days, of precious time wasted in the discussion of petty items of £50 or £75 to St. Michael's¹⁴² and St. Joseph's college[s], and colleges of all the saints in the calendar. It was now proposed to get rid of all that.¹⁴³ Now they would hand all these details over to a responsible officer, who would report annually, to the House, important statistics about these Schools. They could then, after observing the working of the system for several years, go intelligently to attempt assimilation of the Upper and Lower Canada systems. To attempt to assimilate the two systems now would ... be attempting to assimilate the whole of their two systems of law, civil and criminal. The circumstances of the two Provinces were entirely different now, as he had before pointed out. In time he hoped they might be assimilated.¹⁴⁴ By the system now proposed, hon. gentlemen, after seeing the public accounts, and the report of the Superintendent, could come down and say that a corrupt job had been perpetrated.¹⁴⁵ The Government could be put on trial, and condemned for sanctioning an improper distribution or improperly meddling with that proposed by the Superintendent. Perhaps the gentleman [sic] opposite did not want the present means of corruption removed.¹⁴⁶ They looked to the distracted state of the Government — (laughter) — and expected very soon to be transplanted to the Treasury Benches — and then how awkward would it be at the commencement of the new Government, to find that they could not give away a farthing of this money, unless reported on by the Superintendent of Education.¹⁴⁷ Seriously, however, this was a step in the right direction, and he hoped the House would support a measure calculated to put an end to the log rolling system, and to endless bickering and discussion over the long lists of petty grants — now placed in the estimates — thus much would be gained and the control of the House over the expenditure be quite as effective as it is now.¹⁴⁸ The motion of the member for Montreal was a mere trick to frustrate the original motion.¹⁴⁹

MR. HOLTON said the hon. Attorney General West had very happily succeeded, as other hon. members had, in evading the real point at issue. That point was, that whereas in Upper Canada all these appropriations were to be made by the annual votes of Parliament, that in Lower Canada they should be swept away and £22,000 given in their place.¹⁵⁰

MR. AT. GEN. J.A. MACDONALD said that this was a mistake. There were five institutions in Upper Canada which received annual votes. All the rest of the money voted was Grammar School money, not coming under the control of the house at all. (Oh! oh!)¹⁵¹

MR. HOLTON said, the fact was well understood and did not need explanation. The series of resolutions now under consideration proposed to place at the absolute disposal of the Government £22,000 of public revenues, and in the very same set of resolutions it was proposed that £5,000 should be taken from the consolidated revenue and be appropriated to similar purposes in Upper Canada, but by annual votes of Parliament. Now the real point involved was, why this difference should occur. He

would explain. The hon. Attorney General dare not make the same proposition with reference to Upper Canada, which he allowed his colleagues to make with reference to Lower Canada. (Hear, hear.) And what he (Mr. H.) asked Upper Canadian members this night was, whether they would by their votes force [measures] upon Lower Canadians..., [because] the latter happened to be in the minority. (Hear, hear.) The Attorney General had referred to the Grammar Schools in Upper Canada, as being somewhat analog[ous] to those now in question. He (Mr. Holton) did not profess to be very intimately acquainted with the School system of Upper Canada, but if he was not mistaken, all these grants and appropriations were made in accordance with some well defined system understood by the whole country.¹⁵² Was that so or not? (Cries of yes.)¹⁵³ Then the gravamen of the complaint against the government upon this occasion was, that they propose to retain the power absolutely in their hands of making this disposition without submitting to the house any plan upon which that disposition was to proceed. That was the distinction. He was desirous to see a system adopted to dispose of this whole question, but that system ought to be disclosed by the hon. gentlemen opposite¹⁵⁴ and defined so that it might be fairly understood¹⁵⁵ before they asked the house to adopt the extraordinary course of placing in the hands of the Executive, a large sum of money to be distributed in their favour, and to be used as he (Mr. Holton) had occasion the other night to remark, as the means of steering political influence in the way the government desired. Such was the intention of the hon. Provincial Secretary.¹⁵⁶ It had been said during the debate, that large grants for Education had been given in and about Montreal. He supposed they had been given rightly, but he asked whether they had been given in answer to requests from members of the Opposition, or whether they had not been given to supplant the influence of such members? He admitted there was some difference between the systems of Upper and Lower Canada, but the question was not so much as to the system [than] as to the constitutional rule, that the control of the money of the Province should be under the control of Parliament.¹⁵⁷ Would hon. members for Upper Canada vote to fasten upon Lower Canada a system which was to be repudiated in every part of the Province. — (Hear, hear.) The hon. members of the Administration had utterly failed upon this point. He granted that it was the work of time to assimilate the educational institutions of both sections of the Province, but not so much to assimilate those institutions, as to apply the same constitutional principles to both sections.¹⁵⁸

MR. HARTMAN said that the Upper Canada Grammar Schools having been alluded to as if the distribution of monies to them was made upon the same plan as that now proposed for Lower Canada, he would just read what the rule in Upper Canada was. He then read the rule for the Upper Canadian Government Schools, shewing that the money for them was distributed by law according to population. Now, if the Government wanted to assimilate their system in Upper Canada let them propose that rule, and his Lower Canadians [sic] friends would be delighted to accept it. The truth was, that in spite of what the Attorney General had said, he had failed to prove that the ministry would divest themselves of the patronage which he proposed to condemn.¹⁵⁹ The Attorney General in replying to the argument of the hon. member for Lambton had declared, that the government desired to get rid of these annual votes, but he had let the cat out of the bag, and had shown that the reason why he wished to get rid of the system was, that it was troublesome for them to justify themselves every year, and that it was much easier for them to allow the matter to be under the direction of the Superintendent of Education, and to allow him to make the distribution. (Hear, hear.) The Attorney General West had succeeded at any rate in showing where this difficulty of the Administration lay, and that it would be a more difficult matter for them to satisfy the Opposition, than by carrying it through the Council Chamber.¹⁶⁰

MR. MACKENZIE was most desirous that the common people of Lower Canada should be educated. If they were only educated in an elementary manner, they would soon require superior schools. But where were all these sums being so constantly voted to come from? Were they to come out of the consolidated revenue which was so empty, and had so many calls upon it? The Government took their own unwise course in the matter, but if things went on in this way, the day of retribution would

come.¹⁶¹ When the Province was bankrupt, it was time to educate the people of Lower Canada, in order that they might know what their representatives did. When he went to England with Mr. Viger, they had a petition from Lower Canada of good signatures, of which nine-tenths were crosses. Whose fault was that? It was true, then, the common people should be educated,¹⁶² and he approved of "the diamond being polished" in that section of the Province.¹⁶³ He remembered the time those Jesuits' estates were given up to the Province on the condition that they should be applied to the education of the common people. At that time the Arch Bishop of Quebec wanted to get hold of that splendid property, but the Parliament of the day had too much independence to allow it. What a libel this bill now was on the people of Lower Canada! — what a reproach and a disgrace! — a bill which branded them with being so ignorant that they were unable to manage their own affairs. Sir Beverley Robinson went home to England, leaving his bench, and said that the people of Lower Canada were so ignorant, that they could not be ruled, except by a Governor and Council. Who would have thought that the gentleman opposite would have said the same thing in 1856. He then praised his own efforts at rebellion in '36 as something which was extremely necessary, at the same time condemning the annexation movement of '49 as a movement of contractors and jobbers. However, the Provincial chest was empty, and the annexation cry would come round again.¹⁶⁴ He accused the Administration of being prompted by unjust motives in their grants.¹⁶⁵

DR. CLARKE thought there had been no argument against granting the money in this case; all the argument was against the mode of distribution. It should be remembered that it took¹⁶⁶ Upper Canadians fifteen years to place their educational institutions in their present position, and he hoped that the Government would be encouraged in their attempt to bring about a proper system of education in Lower Canada. If the present form of the measure was not approved of hereafter, it could be amended or done away with at any future time. It was very unjust to impeach them for favouritism, and hon. members should not try to keep away scholastic benefits from the Lower Province by appealing to the prejudices of Upper Canadians. (Hear, hear.)¹⁶⁷ Well — let Upper Canada remember it took fifteen years to work up against this system, till they got their school laws to their present state of perfection.¹⁶⁸

MR. SICOTTE the SPEAKER then put Mr. Dorion's amendment.¹⁶⁹

(312) And the Question being again proposed, That the said Resolutions be now read a second time;

Mr. *Antoine Aimé Dorion* moved in amendment to the Question, seconded by Mr. *Papin*, That all the words after "be" to the end of the Question be left out, and the words "re-committed to a Committee of the whole House, for the purpose of providing that the monies appropriated by any Bill to be founded on the said Resolutions shall be distributed in the same manner in both sections of the Province" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

(312-313)

YEAS.

Messieurs *Aikins, Bell, Bourassa, Brown, Bureau, Cameron, Christie, Conger, Charles Daoust, Darche, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Fergusson, Ferrie, Foley, Frazer, Freeman, Galt, Gamble, Gould, Hartman, Holton, Huot, Jobin, Laberge, John S. Macdonald, Mackenzie, Marchildon, Mattice, Munro, Papin, Patrick, Powell, Sanborn, Scatcherd, Somerville, Turcotte, Wright, and Young.* — (40.)¹⁷⁰

(313)

NAYS.

Messieurs *Biggar, Bowes, Brodeur, Cartier, Casault, Cauchon, Cayley, Chapais, Chisholm, Clarke, Cook, Crysler, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Egan, Evanturel, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Labelle, Laporte, LeBoutillier, Lemieux, Lumsden, Lyon, Macbeth, Attorney General Macdonald, McCann, Masson, Matheson, Meagher, Mongenais, Joseph C. Morrison, O'Farrell, Poulin, Pouliot, Price, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor*

General *Smith, Spence, Stevenson, Supple, Taché, Terrill, Thibaudeau, Whitney, and Yeilding.* — (60.)

So it passed in the Negative.

And the Question being again proposed, That the said Resolutions be now read a second time;

Mr. *Antoine Aimé Dorion* moved in amendment to the Question, seconded by Mr. *Papin*, That all the words after "be" to the end of the Question be left out, and the words "re-committed to a Committee of the whole House, with an Instruction to amend the same, by leaving out the Resolution that provides for annual distribution of the Superior School Fund of *Lower Canada* 'as the Governor in Council shall approve,' and providing in lieu thereof, that the appropriation of the said Fund shall be made as the Legislature shall designate, in the same manner as the Superior Education Fund of *Upper Canada* is to be distributed" inserted instead thereof;

And the Question being put on the Amendment¹⁷¹; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bell, Biggar, Bourassa, Brown, Bureau, Cameron, Christie, Conger, Cook, Charles Daoust, Darche, DeWitt, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Fergusson, Ferrie, Foley, Frazer, Freeman, Galt, Gamble, Gould, Hartman, Holton, Huot, Jobin, Laberge, John S. Macdonald, Mackenzie, Marchildon, Mattice, Munro, Papin, Patrick, Powell, Rankin, Sanborn, Scatcherd, Somerville, Turcotte, Wright, and Young.* — (44.)

NAYS.

Messieurs *Bowes, Brodeur, Cartier, Casault, Cauchon, Cayley, Chapais, Chisholm, Church, Clarke, Cryslar, Daly, Jean B. Daoust, Desaulniers, Dostaler, Attorney General Drummond, Dufresne, Egan, Evanturel, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Labelle, Laporte, LeBoutillier, Lemieux, Lumsden, Lyon, Macbeth, Attorney General Macdonald, McCann, Masson, Matheson, Meagher, Mongenais, Joseph C. Morrison, O'Farrell, Poulin, Pouliot, Price, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Spence, Stevenson, Supple, Taché, Terrill, Thibaudeau, Whitney, and Yeilding.* — (58.)

So it passed in the Negative.

(313-314)

On the question for the main motion being put,¹⁷²

MR. BROWN ... expressed the pleasure at seeing that there was an Upper Canada majority in favor of the amendment. Though he thought that was not an important thing, as there should be but one Province. But¹⁷³ the house had now to vote upon the resolutions of the hon. Provincial Secretary, and they must bear in mind the great importance of the vote they were about to give. He appealed to the house¹⁷⁴ [OR] he called on Upper Canada members¹⁷⁵ before adopting these resolutions to pause and consider whether it would inflict one of the most serious blows upon Lower Canada which it had ever sustained. (Oh! oh!) Yes — the education of the masses of the people was at the very foundation of all good government. (Hear, hear.) If the people were not intelligent, the Government could not be healthful. By assenting to the proposition of the Government they were creating a serious barrier in the way of a thorough reform of the educational system of Lower Canada¹⁷⁶, and so [would] keep back the country, whose wants afterwards would act on Upper Canada. He warned the House that if this measure were carried now, when reform was attempted, the cry of vested rights would be raised.¹⁷⁷

MR. AT. GEN. J.A. MACDONALD had always understood that the hon. member for Lambton was in favour of Representation by Population. (Hear, hear.) And yet he wished now, that an Upper Canadian majority should endeavor to defeat the Lower Canadian members in the house. (Hear, hear.)¹⁷⁸ The truth was, he twisted every question to his own purposes, and the end of all was,¹⁷⁹ the country must have "Non-Sectarianism," "Down with the Pope," "Down with the Priests," and "Up with the honourable member for Lambton." (Great Laughter.)¹⁸⁰

MR. COM. CR. LANDS CAUCHON said the Hon. Attorney General who had just spoken, had represented all he wished to state.¹⁸¹ The member for Lambton would, in case there was a majority for Upper Canada, on an Upper Canadian question, say that Lower Canadians ought to vote with the majority. Now, he said the reverse.¹⁸² He [Mr. Cauchon] thought that when hon. members from Upper Canada called upon those from Lower Canada to support them in their measures, and not to impose upon them those they disapproved of, that they in return should do likewise to Lower Canadians. But the fact was, that they wished to break down the Administration by pursuing their present course. (Hear, hear.)¹⁸³

MR. DEWITT. — Dans le cours des débats, j'ai entendu ... beaucoup de choses sur le principe de dépenser l'argent public d'abord, et de le voter ensuite, principe sur lequel est basé le bill en question, et auquel je suis positivement opposé. J'ai entendu faire la déclaration, qu'avec le gouvernement responsable, nous pouvions passer un vote de non-confiance, si l'argent était mal appliqué. Mais cela nous fera-t-il rembourser les deniers après qu'ils seront perdus? Supposons que le monsieur qui était ici il n'y a pas longtemps, et qui est maintenant à la Barbade, (M. Hincks), ait gaspillé notre argent, est-ce qu'un vote de non-confiance envers ce monsieur, aurait l'effet de nous faire rembourser, aujourd'hui nos deniers, ou aucune partie de ces deniers?

Il y a quelque chose de nouveau dans ce bill; on prend l'argent du pauvre pour instruire les enfants du riche, j'ai souvent ouï dire que le riche instruisait les enfants du pauvre, mais je n'avais jamais ouï dire auparavant que ce fut le pauvre qui instruisait le riche. Si nous prenons l'argent public pour instruire le riche, c'est quelque chose de pis que si nous donnions l'éducation à une seule classe à l'exclusion des autres, parce que si les enfants du riche sont seuls instruits, le pauvre perd la coopération du riche et est par conséquent incapable de pourvoir tout seul à l'instruction de ses enfants, et la conséquence est que les enfants des pauvres resteront dans l'ignorance.¹⁸⁴

MR. A. DORION said it would be better to separate each section of the Province, and allow each to legislate for itself upon local matters, if the system proposed by the administration were to be adopted, and that the opinions of the Attorney General (Macdonald) should prevail. That hon. gentleman wanted hon. members to give up their principles at the will of the majority, but he (Mr. Dorion) would never subscribe to such a doctrine.¹⁸⁵

MR. SICOTTE the SPEAKER then put the original resolutions of the Hon. Mr. Cartier¹⁸⁶.

(314)

Then the main Question being put, That the said Resolutions be now read a second time; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Alley, Biggar, Bowes, Brodeur, Cartier, Casault, Cauchon, Cayley, Chapais, Chisholm, Church, Clarke, Conger, Cryslar, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Egan, Evanturel, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Labelle, Laporte, LeBoutillier, Lemieux, Lumsden, Lyon, Macbeth, Attorney General Macdonald, McCann, Masson, Meagher, Mongenais, Joseph C. Morrison, O'Farrell, Poulin, Pouliot, Price, Rhodes, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Supple, Taché, Terrill, Thibaudeau, Whitney, and Yeilding.* — (61.)

NAYS.

Messieurs *Aikins, Bell, Bourassa, Brown, Bureau, Cameron, Christie, Charles Daoust, Darche, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Ferrie, Foley, Freeman, Galt, Gamble, Gould, Hartman, Holton, Huot, Jobin, Laberge, Mackenzie, Marchildon, Mattice, Munro, Murney, Papin, Patrick, Powell, Sanborn, Scatcherd, Turcotte, Wright, and Young.* — (36.)

So it was resolved in the Affirmative.

And the said Resolutions, being read a second time, were agreed to.

MR. PROV. SEC. CARTIER then moved for leave to introduce a bill, founded on the above resolutions, relative to superior education in Lower Canada.¹⁸⁷

(314) *Ordered*, That the Honorable Mr. *Cartier* have leave to bring in a Bill to make better provision for promotion of Superior Education and the establishment and support of Normal Schools in *Lower Canada*, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

(315) The House proceeded to take into further consideration the Question which was, on Thursday the third instant, proposed, That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Chancery to make out a new Writ for the election of a Member to serve in the present Parliament for the County of *Argenteuil*, in the room of *Sydney Bellingham*, Esquire, whose Election has been declared void;

MR. CAMERON moved the issue of the writ¹⁸⁸.

DR. MASSON opposed the issue of the writ, as the member for Montreal had a bill intended to regulate the election.¹⁸⁹

MR. A. DORION would not oppose the issue of the writ, but would try to pass his bill in time enough for the election. That, however, he feared he could not do, unless aided by the member for Soulanges.¹⁹⁰

The motion was carried.¹⁹¹

(315) And the Question being put; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Alley, Bell, Bourassa, Bowes, Brodeur, Brown, Cameron, Cartier, Casault, Cauchon, Chapais, Chisholm, Christie, Clarke, Conger, Cooke, Crysler, Charles Daoust, Desaulniers, DeWitt, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Attorney General Drummond, Dufresne, Egan, Evanturel, Felton, Foley, Thomas Fortier, Frazer, Freeman, Galt, Gamble, Gill, Guévremont, Hartman, Holton, Huot, Labelle, Laberge, Laporte, LeBoutillier, Lemieux, Lyon, Attorney General Macdonald, Mackenzie, McCann, Marchildon, Mattice, Meagher, Joseph C. Morrison, Munro, Murney, Papin, Patrick, Poulin, Pouliot, Powell, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Sanborn, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Supple, Taché, Terrill, Turcotte, Whitney, Wright, Yielding, and Young.* — (79.)

NAYS.

Messieurs *Church, Jean B. Daoust, Dostaler, Fournier, Masson, Mongenais, O'Farrell, Scatcherd, and Thibaudeau.* — (9.)

So it was resolved in the Affirmative.

MR. LYON then expressed the hope that the Government would take proper notice of the evidence before this committee of the improper conduct of the returning officer.¹⁹²

The order of the day for receiving the report of the Committee of the whole House on certain resolutions relating to Common Schools in Lower Canada being read,¹⁹³

MR. PROV. SEC. CARTIER moved the reception of the report.¹⁹⁴

(315) Mr. *Masson*, from the Committee of the whole House to take into consideration certain Resolutions relating to Common Schools in *Lower Canada*, reported several Resolutions; which were read, as follow: —

(316)

1. *Resolved*, That School Commissioners or Trustees of Dissentient Schools, in *Lower Canada*, be empowered to raise by assessment and rate, for Common School purposes, an additional sum not exceeding that which they may now raise under the tenth sub-section of the twenty-first section of the *Lower Canada Act* of 1846, (9 *Vic. cap. 27*,) and also a sum not exceeding thirty per cent. instead of fifteen per cent. as authorized to be levied under the thirty-seventh section of the 9 *Vic. cap. 27*, for the purpose of making good any deficiency which may arise in the collection of the assessment, and to cover the expenses of collection and any unforeseen or contingent expenditure.

2. *Resolved*, That out of the School moneys to which any Municipality may be entitled for any year, the Superintendent of Schools for *Lower Canada* be authorized, with the approval of the Governor in Council, to retain a sum not exceeding Twenty pounds, towards the support of a Model School in such Municipality, as intended to be established under the fourteenth section of the *Lower Canada School Law Amendment Act* of 1849.

3. *Resolved*, That out of the Legislative Grant for Common Schools in *Lower Canada*, a sum not exceeding One thousand pounds be yearly set apart for special aids to Common Schools in poor Municipalities in *Lower Canada*.

4. *Resolved*, That out of the said Legislative Grant, a sum not exceeding Four hundred and fifty pounds be yearly set apart for encouraging the publication and circulation of a Journal of Public Instruction in *Lower Canada*.

5. *Resolved*, That out of the said Legislative Grant, a sum not exceeding Five hundred pounds be yearly set apart towards forming a Fund for the support of superannuated and worn-out Common School Teachers in *Lower Canada*.

6. *Resolved*, That the sums mentioned in the three next preceding Resolutions be expended by the Superintendent of Schools for *Lower Canada*, under regulations to be made by him, with the approval of the Governor in Council.

7. *Resolved*, That there be established a Council of Public Instruction for *Lower Canada*, to consist of the Superintendent of Schools and unpaid Members to be appointed by the Governor; and that the salary of the Secretary of such Council, and the contingent expenses thereof, be paid as part of the contingent expenses of the Education Office for *Lower Canada*.

8. *Resolved*, That the remuneration of the Secretary Treasurers of School Municipalities may be, in the discretion of the School Commissioners, increased to an amount not exceeding seven per cent. on the moneys received by them as such, instead of four per cent. as provided by the twenty-second section of the *Lower Canada School* [sic] *Law Amendment Act* of 1849, (12 *Vic. cap. 50*,) such increased allowance to cover all services required of the Secretary-Treasurers by the School Commissioners or Trustees, and not to exceed Thirty pounds in one year in any case.

The Honorable Mr. *Cartier* moved, seconded by the Honorable Mr. *Lemieux*, and the Question being proposed, That the said Resolutions be now read a second time;

MR. SOMERVILLE moved in amendment: — "That the resolutions be not now concurred in, but that they be re-committed for the purpose of striking out all the words after 'that' in the first resolution, and substituting instead thereof, the following:

"The powers of the School Commissioners shall be transferred to and vested in the local municipal councils in *Lower Canada*, in so far as relates to raising by assessment and rate any sums of money for school purposes, and that the said sums so to be raised shall extend to such an amount as may by the said councils be deemed sufficient and necessary for the due support and maintenance of Common Schools in their respective municipalities.

"Secondly — That the resolution setting apart the sum of £450 for the encouragement of the Journal of Education in *Lower Canada* be expunged.

"Thirdly. That the sums mentioned in the 2nd, 3rd and 5th resolutions shall be distributed among the several local municipalities in *Lower Canada* according to population, to be expended for the purposes therein set forth in such a manner as the local Councils may consider just and right.

"Fourthly. That the several clauses in the Act 14th and 15th Victoria, chapter 97, providing for the appointment of Inspectors of Common Schools be repealed."¹⁹⁵

- (316) Mr. *Somerville* moved in amendment to the Question, seconded by Mr. *Cooke*, That all the words after "now" to the end of the Question be left out, and the words "recommitted to a Committee of the whole House, for the purpose of leaving out the first Resolution, and substituting instead thereof 'That the powers of the School Commissioners shall be transferred to and vested in the Local Municipal Councils in *Lower Canada* in so far as relates to raising by assessment and rate, any sums of money for School purposes, and that the said sums so to be raised shall extend to such an amount as may, by said Councils, be deemed sufficient and necessary for the due support and maintenance of Common Schools in their respective Municipalities' " inserted instead thereof;
And a Debate arising thereupon;

MR. SANBORN moved that the debate be adjourned, in order to allow a fair discussion of the important questions raised in the resolutions and the amendment.¹⁹⁶

The government opposed the motion, which was negatived¹⁹⁷.

- (316) Mr. *Sanborn* moved, seconded by Mr. *Galt*, and the Question being put, That the Debate be adjourned until To-morrow; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bourassa, Bowes, Brown, Chapais, Christie, Cooke, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Frazer, Galt, Gould, Holton, Huot, Jobin, Mackenzie, Mattice, Munro, Rhodes, Sanborn, and Somerville.* — (22.)

(316-317)

NAYS.

Messieurs *Alleyn, Bell, Brodeur, Cartier, Casault, Cauchon, Chisholm, Church, Clarke, Conger, Crysler, Jean B. Daoust, Desaulniers, Dostaler, Attorney General Drummond, Egan, Evanturel, Felton, Thomas Fortier, Fournier, Gill, Guévremont, Hartman, Laporte, LeBoutillier, Lemieux, Attorney General Macdonald, McCann, Masson, Joseph C. Morrison, Murney, O'Farrell, Papin, Poulin, Pouliot, Robinson, Roblin, Solicitor General Ross, James Ross, Scatcherd, Shaw, Solicitor General Smith, Spence, Stevenson, Supple, Taché, Terrill, Thibaudeau, Turcotte, Whitney, and Wright.* — (51.)

So it passed in the Negative.

- (317) And the Question being again proposed, That all the words after "now" to the end of the original Question be left out, and the words "recommitted to a Committee of the whole House, for the purpose of leaving out the first Resolution, and substituting instead thereof 'That the powers of the School Commissioners shall be transferred to and vested in the Local Municipal Councils in *Lower Canada* in so far as relates to raising by assessment and rate, any sums of money for School purposes, and that the said sums so to be raised shall extend to such an amount as may, by said Councils, be deemed sufficient and necessary for the due support and maintenance of Common Schools in their respective Municipalities' " inserted instead thereof;
And a further Debate arising thereupon;

The impropriety of taking up a fresh discussion at so late an hour was again urged by a number of members, and the government at last yielded the point.¹⁹⁸

- (317) On motion of the Honorable Mr. *Cartier*, seconded by the Honorable Mr. *Lemieux*, *Ordered*, That the Debate be adjourned until Friday next.

The Order of the day for the second reading of the Bill to amend the Act to provide for the formation of Incorporated Joint Stock Companies for manufacturing, mining, mechanical, or chemical purposes, being read;

On motion of MR. SOL. GEN. H. SMITH,¹⁹⁹

- (317) The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Solicitor General *Smith*, Mr. *DeWitt*, the Honorable Mr. *Robinson*, Mr. *Conger*, and

Mr. *Stevenson*, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Honorable Mr. *Cartier*, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General, — Report of the Chief Agent for the superintendence of Emigration to *Canada*, for 1855.

For the said Report, see Appendix (No. 44.)

The Honorable Mr. *Cartier* also presented, pursuant to an Address to His Excellency the Governor General, — Return to an Address of the Legislative Assembly, dated 31st March last, for copy of the Report of *E.S. DeRottermund*, Esquire, on Exploration of Lakes *Superior* and *Huron*.

For the said Return, see Appendix (No. 37.)

Then, on motion of the Honorable Mr. Attorney General *Drummond*, seconded by Mr. Solicitor General *Smith*,

The House adjourned.²⁰⁰

Appendix

[NOTICE OF QUESTION RE: CHAMBLY GIRLS' SCHOOL.]

MR. DARCHE [gave notice that he would] ... enquire of Ministers whether it is the intention of the government to demand from the Rev. P.M. Mignault, Cure of Chambly, repayment of the sum of two hundred and fifty-five pounds currency, paid to and received by that gentleman on account of the grant voted in 1855, in aid to the academy for girls at Chambly, which academy has never existed.²⁰¹

Footnotes

1. *Toronto Daily Leader*, 16 April 1856.
2. *Globe*, 16 April 1856.
3. *Ibid.*
4. *Ibid.*
5. *Ibid.*
6. *Ibid.*
7. *Ibid.*
8. *Ibid.*
9. *Globe*, 16 April 1856. *Toronto Daily Leader*, 16 April 1856, specifies that the second reading of this Bill was moved by Mr. Munro, "in the absence of Mr. Gould."
10. *Globe*, 16 April 1856.
11. *Ibid.*
12. *Ibid.*
13. *Ibid.*
14. *Montreal Gazette*, 17 April 1856.
15. *Telegraph (Montreal Gazette)*, 17 April 1856.
16. *Globe*, 16 April 1856.
17. *Ibid.*

18. *Toronto Daily Leader*, 16 April 1856. The ellipsis represents an illegible date.
19. *Globe*, 16 April 1856.
20. *Montreal Gazette*, 17 April 1856.
21. *Toronto Daily Leader*, 16 April 1856.
22. *Montreal Gazette*, 17 April 1856.
23. *Globe*, 16 April 1856. *Toronto Daily Leader*, 16 April 1856, reports a figure of £5,000, which is likely to be a typographical mistake.
24. *Montreal Gazette*, 17 April 1856.
25. *Globe*, 16 April 1856.
26. *Ibid.*
27. *Ibid.*
28. *Toronto Daily Leader*, 16 April 1856.
29. *Globe*, 16 April 1856.
30. *Toronto Daily Leader*, 16 April 1856.
31. *Ibid.*
32. *Globe*, 16 April 1856.
33. *Montreal Gazette*, 17 April 1856. *Globe*, 16 April 1856, specifies that Mr. Bureau spoke in French.
34. *Toronto Daily Leader*, 16 April 1856.
35. *Globe*, 16 April 1856.
36. *Ibid.*
37. *Ibid.*
38. *Globe*, 16 April 1856. *Toronto Daily Leader*, 16 April 1856, reports that Mr. Terrill "defended himself at much length from a series of attacks, which, he asserted, had been made upon him by the hon. member for Compton."
39. *Globe*, 16 April 1856.
40. *Montreal Gazette*, 17 April 1856.
41. *Toronto Daily Leader*, 16 April 1856.
42. *Globe*, 16 April 1856.
43. *Toronto Daily Leader*, 16 April 1856.
44. *Globe*, 16 April 1856.
45. *Toronto Daily Leader*, 16 April 1856.
46. *Globe*, 16 April 1856.
47. *Toronto Daily Leader*, 16 April 1856.
48. *Montreal Gazette*, 17 April 1856.
49. *Toronto Daily Leader*, 16 April 1856.
50. *Montreal Gazette*, 17 April 1856.
51. *Globe*, 16 April 1856.
52. *Montreal Gazette*, 17 April 1856.
53. *Toronto Daily Leader*, 16 April 1856.
54. *Globe*, 16 April 1856.
55. *Montreal Gazette*, 17 April 1856.
56. *Globe*, 16 April 1856.
57. *Montreal Gazette*, 17 April 1856.
58. *Globe*, 16 April 1856.
59. *Ibid.*
60. *Toronto Daily Leader*, 16 April 1856.
61. *Globe*, 16 April 1856.
62. *Ibid.*
63. *Ibid.*
64. *Ibid.*
65. *Montreal Gazette*, 17 April 1856.
66. *Globe*, 16 April 1856.
67. *Toronto Daily Leader*, 16 April 1856.
68. *Montreal Gazette*, 17 April 1856.
69. *Globe*, 16 April 1856.
70. *Montreal Gazette*, 17 April 1856.
71. *Globe*, 16 April 1856.
72. *Montreal Gazette*, 17 April 1856.

73. *Globe*, 16 April 1856.
74. *Toronto Daily Leader*, 16 April 1856.
75. *Globe*, 16 April 1856.
76. *Toronto Daily Leader*, 16 April 1856.
77. *Montreal Gazette*, 17 April 1856.
78. *Toronto Daily Leader*, 16 April 1856.
79. *Montreal Gazette*, 17 April 1856.
80. *Toronto Daily Leader*, 16 April 1856.
81. *Globe*, 16 April 1856.
82. *Toronto Daily Leader*, 16 April 1856.
83. *Globe*, 16 April 1856.
84. *Toronto Daily Leader*, 16 April 1856.
85. *Montreal Gazette*, 17 April 1856. *Toronto Daily Leader*, 16 April 1856, reports the figure of £5,000 set apart annually, which is probably a typographical mistake.
86. *Toronto Daily Leader*, 16 April 1856.
87. *Montreal Gazette*, 17 April 1856.
88. *Ibid.*
89. *Globe*, 16 April 1856.
90. *Montreal Gazette*, 17 April 1856.
91. *Globe*, 16 April 1856.
92. *Toronto Daily Leader*, 16 April 1856.
93. *Ibid.*
94. *Globe*, 16 April 1856.
95. *Ibid.*
96. *Montreal Gazette*, 17 April 1856.
97. *Toronto Daily Leader*, 16 April 1856.
98. *Montreal Gazette*, 17 April 1856.
99. *Globe*, 16 April 1856.
100. *Montreal Gazette*, 17 April 1856.
101. *Globe*, 16 April 1856.
102. *Montreal Gazette*, 17 April 1856.
103. *Globe*, 16 April 1856.
104. *Montreal Gazette*, 17 April 1856.
105. *Globe*, 16 April 1856.
106. *Ibid.*
107. *Montreal Gazette*, 17 April 1856.
108. *Globe*, 16 April 1856.
109. *Montreal Gazette*, 17 April 1856.
110. *Toronto Daily Leader*, 16 April 1856.
111. The *Journals* mistakenly report Mr. Cooke's name both in the Yeas and in the Nays. According to *Globe*, 16 April 1856, and *Le Pays*, 24 April 1856, Mr. Cooke did support the amendment, as he had intimated in his speech (see footnote 105), and it was Dr. Cook who voted nay.
112. *Globe*, 16 April 1856.
113. *Montreal Gazette*, 16 April 1856.
114. *Globe*, 16 April 1856.
115. *Montreal Gazette*, 17 April 1856.
116. *Ibid.*
117. *Toronto Daily Leader*, 16 April 1856.
118. *Montreal Gazette*, 17 April 1856.
119. *Montreal Gazette*, 17 April 1856. *Toronto Daily Leader*, 16 April 1856, reports that Mr. Sanborn "referred to several grants which had been made to educational institutions on the application of the supporters of the Government — while the application[s] of gentlemen in opposition were rejected."
120. *Montreal Gazette*, 17 April 1856.
121. *Ibid.*
122. *Ibid.*
123. *Globe*, 16 April 1856.
124. *Montreal Gazette*, 17 April 1856.

125. *Globe*, 16 April 1856.
126. *Montreal Gazette*, 17 April 1856.
127. *Globe*, 16 April 1856.
128. *Montreal Gazette*, 17 April 1856.
129. *Globe*, 16 April 1856.
130. *Montreal Gazette*, 17 April 1856.
131. *Globe*, 16 April 1856.
132. *Ibid.*
133. *Montreal Gazette*, 17 April 1856.
134. *Globe*, 16 April 1856.
135. *Ibid.*
136. *Montreal Gazette*, 17 April 1856.
137. *Globe*, 16 April 1856.
138. *Montreal Gazette*, 17 April 1856.
139. *Globe*, 16 April 1856.
140. *Montreal Gazette*, 17 April 1856.
141. *Globe*, 16 April 1856.
142. *Montreal Gazette*, 17 April 1856.
143. *Globe*, 16 April 1856.
144. *Montreal Gazette*, 17 April 1856.
145. *Globe*, 16 April 1856.
146. *Montreal Gazette*, 17 April 1856.
147. *Globe*, 16 April 1856.
148. *Montreal Gazette*, 17 April 1856.
149. *Toronto Daily Leader*, 16 April 1856.
150. *Globe*, 16 April 1856.
151. *Ibid.*
152. *Ibid.*
153. *Montreal Gazette*, 17 April 1856.
154. *Globe*, 16 April 1856.
155. *Montreal Gazette*, 17 April 1856.
156. *Globe*, 16 April 1856.
157. *Montreal Gazette*, 17 April 1856.
158. *Globe*, 16 April 1856.
159. *Montreal Gazette*, 17 April 1856.
160. *Globe*, 16 April 1856.
161. *Ibid.*
162. *Montreal Gazette*, 17 April 1856.
163. *Globe*, 16 April 1856.
164. *Montreal Gazette*, 17 April 1856.
165. *Globe*, 16 April 1856.
166. *Montreal Gazette*, 17 April 1856.
167. *Globe*, 16 April 1856.
168. *Montreal Gazette*, 17 April 1856.
169. *Globe*, 16 April 1856. *Toronto Daily Leader*, 16 April 1856, reports that this amendment was put at "about half past ten o'clock."
170. *Globe*, 16 April 1856, differs from the *Journals* and reports Mr. A. Morrison's vote in the Yeas, instead of Mr. Munro's.
171. *Toronto Daily Leader*, 16 April 1856, reports that "the Question was put without discussion."
172. *Toronto Daily Leader*, 16 April 1856.
173. *Montreal Gazette*, 17 April 1856.
174. *Globe*, 16 April 1856.
175. *Montreal Gazette*, 17 April 1856.
176. *Globe*, 16 April 1856.
177. *Montreal Gazette*, 17 April 1856.
178. *Globe*, 16 April 1856.
179. *Montreal Gazette*, 17 April 1856.
180. *Globe*, 16 April 1856.

181. *Globe*, 16 April 1856.
182. *Montreal Gazette*, 16 April 1856.
183. *Globe*, 16 April 1856. *Toronto Daily Leader*, 16 April 1856, reports that "a short debate then ensued."
184. *L'Avenir*, 25 April 1856.
185. *Globe*, 16 April 1856. According to *Montreal Gazette*, 17 April 1856, Mr. A. Dorion referred to the opinions of both Messrs. J.A. Macdonald and Cauchon.
186. *Globe*, 16 April 1856. Commentaries on this debate are reported in *Globe*, 16 April 1856, *Western Planet*, 24 April 1856, and *Mackenzie's Weekly Message*, 25 April 1856.
187. *Globe*, 16 April 1856.
188. *Montreal Gazette*, 17 April 1856.
189. *Ibid.*
190. *Ibid.*
191. *Ibid.*
192. *Ibid.*
193. Telegraph (*Montreal Gazette*, 17 April 1856).
194. *Ibid.*
195. *Globe*, 16 April 1856.
196. *Globe*, 16 April 1856. This newspaper also reports that this motion was made at "half-past eleven o'clock."
197. *Globe*, 16 April 1856.
198. *Ibid.*
199. *Ibid.*
200. According to *Globe*, 16 April 1856, the House adjourned "shortly before midnight."
201. *Globe*, 19 April 1856. This notice of question has been arbitrarily inserted into this day's proceedings, since this newspaper does not indicate on which day it was given.

WEDNESDAY, 16 APRIL 1856

(317)

THE following Petitions were severally brought up, and laid on the table: —

(318)

By Mr. *Masson*, — The Petition of the Municipality of the Parish of *St. Joseph de Soulanges*.

By Mr. *Crawford*, — Two Petitions of the Town Council of the Town of *Brockville*.

By Mr. *Conger*, — The Petition of *Noble Brown* and others, of the Township of *Hamilton*.

By Mr. *Ferres*, — The Petition of the Municipality of the Township of *East Farnham*.

By Mr. *Hartman*, — The Petition of *F.O. Anderson* and others, of the Town of *Keswick*; and the Petition of *H. Stennett* and others, of the Town of *Keswick* and vicinity.

By Mr. *Terrill*, — The Petition of *W.G. Cook* and others, of the Township of *Hatley*.

By Mr. *Holton*, — The Petition of *Charles Towle* and others, of the Township of *Ascot*, Eastern Townships; and the Petition of *D. Davidson* and others, of the City of *Montreal*.

By Mr. *Jean Baptiste Eric Dorion*, — The Petition of *C. Cormier* and others, of the Village of *Plessisville*; and the Petition of *H.J. Griffing* and others, of the Village of *L'Avenir*.

By Mr. *Lyon*, — The Petition of Mrs. *Stewart* and others, of the Township of *Gloucester*; the Petition of Mrs. *Mary Kettles* and ... others, of the Township of *Gloucester*; the Petition of *Donald Robertson* and others, of the Township of *Gloucester*; and the Petition of *Charles Kettles*, senior, and others, of the Township of *Gloucester*.

By Mr. *Somerville*, — The Petition of the Municipality of the Township of *Elgin*.

By Mr. *Frazer*, — The Petition of *James Griffith* and others, of the Town of *Merrittville*.

By Mr. *Aikins*, — The Petition of *John Crumbie* and others, of the Township of *Toronto*; the Petition of *John Bell* and others, of the Gore of *Toronto*; the Petition of *William Kellington* and others, of the County of *Peel*; and the Petition of *Samuel G. Ogden* and others, of the Township of *Toronto*.

By Mr. *Christie*, — The Petition of the *Paris* and adjacent Townships Horticultural and Mechanical Association.

By Mr. *Mackenzie*, — The Petition of *Isaac Honsberger* and others, of the Township of *Rainham*; the Petition of the Reverend *Robert Rodgers* and others, of the County of *Oxford*; the Petition of *John McDonald* and others, of the Village of *Tillsonburg*; the Petition of *J.B. Brown* and others, of the Township of *Moulton*, County of *Haldimand*; the Petition of *James Kent*, junior, and others, of the Townships of *Rainham* and *Walpole*; the Petition of *Robert DeCew* and others, of the Township of *Oneida*, County of *Haldimand*; and the Petition of the Municipality of the Township of *South Cayuga*, County of *Haldimand*.

By Mr. *Bowes*, — The Petition of the *Toronto* Horticultural Society.

By Mr. *Brown*, — The Petition of *John A. Gilchrist* and others, of the Township of *Ops*, County of *Victoria*; the Petition of *William Boylan* and others, of the County of *Lambton*; and the Petition of the Reverend *James A. Thomson* and others, of *Trenton*.

By Mr. *Antoine Aimé Dorion*, — The Petition of the Mayor, Aldermen, and Citizens of the City of *Montreal*.

By Mr. *Loranger*, — The Petition of the Reverend *A.E. Dufresne* and others, of the Town of *Sherbrooke*.

By Mr. *Jean Baptiste Daoust*, — The Petition of the Reverend *Ambroise Groulx*, Curé, of *St. Benoit*.

Pursuant to the Order of the day, the following Petitions were read: —

(319)

Of the Reverend *D.J. Brosnan* and others, of *New Glasgow* and vicinity; of *A.C. Sinclair* and others, of the Townships of *Kenyon* and *Roxborough*, Counties of *Stormont* and *Glengarry*; of the Reverend *P.H. Suzor* and others, of *St. Christophe d'Arthabaska*; of *E.H. Smith*, Reeve, and others, of the Township of *Brighton*; and of *Andrew Tait* and others, of the Township of *Orford*; praying for the passing of a Prohibitory Liquor Law.

Of *William Berczy* and others, of *Cathcart* and *St. Alphonse*, County of *Joliette*; praying for certain amendments to [the] *L'Assomption* River and Railroad Company.

Of *Roger Marshall* and others, of the Parish of *St. François de Sales*; and of the Municipality of the Parish of *St. Vincent de Paul*; praying that the Parishes of *Ste. Thérèse* and *Terrebonne* may not be annexed to the County of *Laval*.

Of *Edmund Heath* and others, of the Township of *Clarendon*, County of *Pontiac*; praying aid to open out Roads.

Of the School Commissioners of the Municipality of the Parish of *St. André*, County of *Kamouraska*; praying aid for a Model School in the said Parish.

Of the Municipality of the Township of *Whitby*; of *Richard Shannon* and others, of the Township of *Cramahe*; of *Francis Martin* and others, of the Town of *Chatham*; of *Andrew Ward* and others, of *Mimico*; and of the School Trustees of the Town of *Belleville*; praying for the repeal of the Separate School Act.

Of *Andrew Evans* and others, of the Township of *Cartwright*; of *J.W. Howe*, Reeve, and others, of the Township of *Cartwright*; of *N. McDougall* and others, of the Township of *Thorah*, County of *Ontario*; of *James Black*, Chairman, on behalf of a Public Meeting held at *Ayr*; of *John Anderson* and others, of the Township of *Whitchurch*; of *Edward Wheler* and others, of the Village of *Stouffville*; of *T.J. Park* and others, of the Town of *Amherstburg*; of *William Allan* and others, of the Township of *Changuacousey*; of *Thomas Burrell* and others, of the Township of *Gore* of *Toronto*; and of *William Begg* and others, of the City of *London*; praying that representation may be based upon population.

Of *James O. Gates* and others, Bailiffs of Division Courts in *Upper Canada* and of *F.W. Atkins* and others, Bailiffs of Division Courts in *Upper Canada*; praying that the Tariff of Fees allowed them may be increased.

Of *Charles Robinson* and others, of the County of *Ontario*; praying that means may be adopted to prevent the unnecessary expenditure of the endowment of King's College.

Of *John Gartshore*, of the Town of *Dundas*; praying that the Bill now before the House to amend the Charter of the *Ontario, Simcoe, and Huron* Railway Company, may not become Law.

Of the Reverend *John Anderson* and others, of *Lancaster*; of the Presbytery of *Hamilton*, in connexion with the Presbyterian Church of *Canada*; of the Synodical Committee on Sabbath observance of the Presbyterian Church of *Canada*; of the Reverend *David Shanks* and others; of the Reverend *P. Gray* and others, of the Presbyterian Church of *Ashton*; of the Reverend *P. Gray* and others, of *Knox's Church, Beckwith*; and of the Reverend *William Steer* and others, of *Three Rivers*; praying for the abolition of Sunday labor in the Post Office Department, and on the *St. Lawrence* Canals.

Of the Orphans' Home and Female Aid Society of *Toronto*; praying for aid.

Of *David Ford Jones* and others, of the Town of *Gananoque*; praying that measures may be adopted as will prevent the existence of a grievance so serious, as that the Provincial Penitentiary should become a great manufacturing monopoly instead of a place of correction.

Of the Municipality of the Village of *Laprairie*; setting forth: that the said Village is situated in the Seigniorship of *Laprairie*, and does not come under the operation of the Seigniorial Act of 1854, and that the funds derived from Tavern Licenses taken from them are paid into the fund for the redemption of Seigniorial dues; and praying that the monies levied from Tavern Licenses may be paid over to them as heretofore.

Of *John Dunn* and others, of the Seigniorship of *Laprairie, Censitaires*; praying that the Government will cause the Road from the Barracks to the River *La Fortune* to be repaired, to enable them to go to the *Banal* Mill of the said Seigniorship.

Of the Agricultural Society of the County of *Waterloo*; praying for the passing of an Act defining and declaring of how many pounds weight a bushel of Potatoes shall consist.

Of *E. Pages* and others; praying that the annual grant for Schools may be increased to One hundred and fifty thousand pounds.

Of *William Salmon* and others, of the County of *Norfolk*; praying for an Act of Incorporation to construct a Railway from the Town of *Simcoe*, in the County of *Norfolk*, to some point on the Great Western Railway, between *Fairchild's Creek* and *Dundas* or *Hamilton*.

Of *John Prince* and others, of the Town and Township of *Sandwich*; praying for the appointment of a new Sheriff for the County of *Essex*.

Of *S. Zimmerman* and others; praying for certain amendments to the Act incorporating the *Zimmerman Bank*.

Of *John Robert Martin* and others, of *Saltfleet*; praying for the passing of an Act to confirm certain Road allowances in the said Township of *Saltfleet*.

Of *George Randes* and others, of the County of *Chicoutimi*; praying for aid to build an Academy.

Of the Honorable and Right Reverend *John Strachan*, Bishop of *Toronto*, and the Reverend *F.J. Lundy*, Rector of *Grimsby*; praying for the passing of an Act to enable them to dispose of a certain parcel of land in the Township of *Uxbridge*, and to vest the proceeds in trust for the Rectory of *Grimsby*.

Of *J.W.A.R. Masson* and others, of the City of *Montreal*; praying that the Bill now before the House to amend the several Acts incorporating the City of *Montreal*, may not become Law.

Of the Trustees of the *Waterloo* Grammar School; praying for aid to build a Grammar School-house.

Of *Thomas Porter* and others, Merchants, Traders, and others, of the City of *Kingston*; praying that the Chartered Banks may be compelled to take their own notes at par, throughout the Province of *Canada*.

Of the Reverend *John Greir* and others, of the Town of *Belleville*; praying that the Bill now before the House to amend the 12th clause of the Separate School Act of 1855, may not become Law.

Of *R. Frink* and others, of *Kincardine* and *Bruce*; praying that the County of *Bruce* may not be separated from the County of *Huron*.

Of *Thomas A. Corbett*, Sheriff, and others, of the City of *Kingston*; praying for the passing of an Act for the encouragement of Horticulture.

Of the Reverend *C.P. Reid* and others, of the Town of *Sherbrooke*; praying that one of the contemplated Normal Schools may be located in some part of the Eastern Townships.

Of *T. Spackman* and others, of the Township of *Granby*; praying that a permanent Seat of Government may be established.

Mr. *Stevenson*, from the Standing Committee on Printing, presented to the House the Twelfth Report of the said Committee; which was read, as followeth: —

Your Committee have examined the Report of *Thomas Boutillier*, Esquire, Inspector of Land Agencies in *Lower Canada*, laid before the House on the 4th instant, and have agreed to recommend that it be printed; and that 200 copies in *French* and 50 copies in *English*, extra, be struck off and given to Mr. *Boutillier*. Estimated cost, Sixty-five pounds; the usual number of copies.

Mr. *Sanborn* reported from the Select Committee on the Bill to amend the Prerogative Writs Act, and to make new provisions respecting Writs of *Scire facias*, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for To-morrow.

Ordered, That Mr. *Joseph Curran Morrison* have leave to bring in a Bill to incorporate the North-Western Steamboat Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Resolved, That the Petition of *Robert Fleming Gourlay* be referred to a Select Committee, composed of the Honorable Mr. *Merritt*, the Honorable Sir *Allan N. MacNab*, Mr. Solicitor General *Smith*, Mr. *Roderick McDonald*, the Honorable *John Sandfield Macdonald*, the Honorable Mr. *Robinson*, and Mr. *Joseph Curran Morrison*, to examine the contents thereof, and to report thereon, with all convenient speed; with power to send for persons, papers, and records.

The Honorable Mr. *Cameron*, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Sixth Report of the said Committee; which was read, as followeth: —

Your Committee have examined the Bill to erect the Municipality of the Village of *Galt* into that of a Town, and have agreed to report the same without any amendment.

They have also examined the Bill to authorize *Henry Wulfe Trigge*, Esquire, and others, to construct a Toll Bridge on the Northeast Branch of the River *Nicolet*, near the Church of the Parish of *Ste. Monique*, in the County of *Nicolet*; and to incorporate the said *Henry Wulfe Trigge* and others, under the name of the "*Ste. Monique Bridge Company*;" and they have agreed to certain amendments, which they report for the consideration of Your Honorable House.

Ordered, That the Bill to authorize *Henry Wulfe Trigge*, Esquire, and others, to construct a Toll-bridge on the Northeast Branch of the River *Nicolet*, near the Church of the Parish of *Ste. Monique*, in the County of *Nicolet*; and to incorporate the said *Henry Wulfe Trigge* and others, under the name of the "*Ste. Monique Bridge Company*," as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for To-morrow.

The Honorable Mr. *Cameron* reported from the Select Committee on the Bill to amend the Law of Partnership, and the Bill to amend the Law of Limited Liability, That the Committee had gone through the latter of the said Bills, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for To-morrow.

A Message from the Legislative Council, by *John Fennings Taylor*, Esquire, one of the Masters in Chancery: —

Mr. Speaker,

(322) The Legislative Council have passed the Bill, intituled, "An Act to correct an error in the Act passed in the eighteenth year of Her Majesty's Reign, to amend and extend the Act incorporating the *Champlain and St. Lawrence Railroad Company*," with several Amendments, to which they desire the concurrence of this House: And also,

The Legislative Council have agreed to the Address of this House to Her Most Gracious Majesty, on the subject of a Claim for Income Tax under Imperial Statutes on *Canadian Securities* held by Residents in *Canada*, by filling up the blank with "Legislative Council and:" And also,

The Legislative Council have passed the accompanying Address to His Excellency the Governor General, praying His Excellency to transmit the Joint Address of both Houses to Her Most Gracious Majesty, on the subject of a Claim for Income Tax under Imperial Statutes on *Canadian Securities* held by Residents in *Canada*, in such a way as His Excellency may think fit, in order that the same may be laid at the foot of the Throne, to which they desire the concurrence of this House.

To His Excellency Sir *Edmund Walker Head*, Baronet, Governor General of *British North America*, and Captain General and Governor in Chief in and over the Provinces of *Canada*, *Nova Scotia*, *New Brunswick*, and the Island of *Prince Edward*, and Vice-Admiral of the same, &c., &c., &c.

May it please Your Excellency.

We, Her Majesty's Dutiful and loyal Subjects, the Legislative Council and of *Canada*, in Provincial Parliament assembled, beg leave to approach Your Excellency with our respectful request, that you will be pleased to transmit our Joint Address to Her Most Gracious Majesty, on the subject of a Claim for Income Tax under Imperial Statutes on *Canadian Securities* held by Residents in *Canada*, in such a way as Your Excellency may deem fit in order that the same may be laid at the foot of the Throne.

And then he withdrew.

MR. GALT, in the absence of the Attorney General East, begged to call the attention of the house to the motion of which that hon. gentleman had given notice, respecting the Seat of Government¹. [He] wished to know from the Speaker whether it was competent for the House to make the notice of motion given by the Hon. Attorney East ... take precedence of all other notices of motion for the day. If so, he would move that in order to facilitate the selection of a proper place for a Permanent Seat of

Government, it is expedient that it be and is her[e]by resolved by this House, that no place other than one of the cities her[e]inafter named, be selected, or proposed for selection, as the place where the seat of Government is to be permanently fixed, viz., Toronto, Quebec, Montreal, Ottawa, Kingston, and Hamilton; and that in the event of all motions proposing the said places, respectively, being rejected in the first instance, it shall be competent to any one or more members to propose a second time any one or more of the said cities for selection as a proper place for the permanent seat of Government; and it shall be competent for this House to deal with any such proposal in the same way as with a motion not previously considered during the present session, notwithstanding any rule or usage of this House to the contrary, and that the said resolutions do take precedence of all other motions and notices of motions this day.²

MR. BROWN objected to this motion being taken up out of its turn.³

MR. GALT said he wanted to know whether it was competent to take up that question, or whether all the previous notices should be proceeded with?⁴

MR. MACKENZIE said that the course proposed was entirely irregular. If this could be done in one case it could be done in another.⁵ When a member gave a notice, he must wait its turn upon the paper. It was not to be expected that because any member gives a notice after every other body, he is to be allowed to take up that notice before all the others. The notice must take its order. If not, what was the use of having Orders of the day at all?⁶

MR. J.S. MACDONALD expressed his astonishment, that an old member of the House like the hon. member for Haldimand, who was so well acquainted with its rules, should hold such opinions. That hon. gentleman knew very well that the House could take up any of the Orders of the Day.⁷

MR. MACKENZIE. — This is not an Order of the Day.⁸

MR. J.S. MACDONALD. — Well it is a Notice of Motion, and this House had dozens of times taken up their Notices out of their regular order on the list.⁹ [He] quoted precedents to show that the proposal of Mr. Galt was quite in order.¹⁰ As there had been a call of the house for this particular purpose, he thought it would be absurd to let the question drop now.¹¹

MR. MACKENZIE interrupted the hon. member and said that he was not speaking to the question of order.¹²

MR. J.S. MACDONALD said that the hon. member for Haldimand was the last member who should accuse any member of not keeping to the question. He contended that they had a perfect right to take up any notice that the majority thought proper to decide upon.¹³

MR. SOL. GEN. H. SMITH did not expect to hear such doctrine from an hon. gentleman who had at one time filled the chair, and consequently had a thorough knowledge of the Rules of the House.¹⁴ The course proposed was a violation of the rules of the house. It was out of order to take up a notice of motion out of its turn. He had never known a case in which forty or fifty notices had been passed over to take up a motion at the foot of the list¹⁵ that would occupy the whole of the day.¹⁶

MR. GALT said in the absence of the hon. Attorney General, he considered it his duty to take the sense of the House whether it was competent to take up the question, more particularly as¹⁷ in Mr. Drummond's motion he found it stated, that the motion was to take precedence of all other notices, and the proper time to move that the motion be taken up was before any of the notices were

called. — There was no sense in the idea of putting it off on a point of order after there had been a call of the house for that very motion.¹⁸

MR. MACKENZIE again contended that it was not competent to take up the question at present.¹⁹

MR. SOL. GEN. D. ROSS thought it extraordinary that the gentlemen who voted for a permanent Seat of Government, were unanimous in their opinion upon a mere point of order.²⁰ [He] could not understand why there should be so much celerity required on this question. There were seven pages of notices to go through, and yet hon. gentlemen must push this forward in preference to all others. If they permitted such a course they might as well burn their rules at once.²¹

MR. AT. GEN. DRUMMOND (who just then came in,)²² thanked the hon. member for Sherbrooke for having called the attention of the House to his motion. He considered that it was perfectly in order²³. — Any member could move that any of the usages of the house be suspended for any particular purpose, and in this case, he thought it was due to the government to relieve them as soon as possible from the very peculiar position in which they were placed by the discussion of this question. (Laughter.) It was also due to the opinion of the house, which had been twice expressed on this matter, to bring it to a conclusion as soon as possible.²⁴ [He] would therefore move that the motion of which he had given notice in reference to the Seat of Government be taken up, for he had no doubt they would all agree with him that the question should be taken up at once and disposed of.²⁵

MR. SICOTTE the SPEAKER said the only rule of this House applicable to the point of order was the second [standing order] — which stated the order in which the business was brought forward, but did not refer specially to the procedure of Notices of Motion. In preparing the rules, the House seemed to have overlooked that point.²⁶ The notices of motion were looked upon as forming part of what in the proceedings are called motions.²⁷ The House of Commons proceed with their notices of motion under a different system. But when members there are desirous to bring before the House their motions before their order, the House invariably interferes to prevent it. The various members therefore wait till their turn is called. In this country the same course should be followed for the protection of the minority; otherwise the minority would be overruled. If this was not the case there would be a fight every day as to what notice should be first taken up, and a good deal of the time of the House would consequently be consumed.²⁸ He was therefore bound to rule that, except with the unanimous consent of the house, it was out of order for any member to take up a notice of motion out of its turn.²⁹

The order of the day for Mr. Brown's resolution in favor of representation by population was then read.³⁰

MR. BROWN then said that in order to allow³¹ the question of the Seat of Government³² to be decided, and as there appeared to be a desire that it should be taken up, he was quite prepared to allow his motion on Representation by Population to stand over, and allow Mr. Drummond's motion to be proceeded with.³³

MR. HOLTON said it was quite manifest that this question of the Seat of Government had to be taken up and disposed of. It had already occupied several days of the session, and it will occupy more. He was disposed to think that all parties, both the majority and minority, should be anxious to dispose of this question. He was therefore glad that the hon. member for Lambton had consented to postpone his motion, which would necessarily occupy the whole of the evening³⁴, and he hoped that other hon. members would allow all other motions to give precedence to that of the Attorney General.³⁵

MR. CAMERON agreed with what had fallen from the hon. member for Montreal, that this question of the seat of Government will now have to be met, and they may as well take the matter up to-night

as any other. — Referring to the observations of previous members as to allowing other questions to stand over in order that this question should be discussed³⁶, [he] said that ... for his part, as one of the members for Toronto, one of the places named, he was willing that any notice he might have should stand over.³⁷

MR. AT. GEN. DRUMMOND again submitted his motion³⁸, that no other cities than either Toronto, Quebec, Montreal, Ottawa, Kingston, and Hamilton, be fixed as a permanent site; and that if either of them failed to get a majority of votes when first proposed, it shall be competent to move them again.³⁹

MR. BROWN said, the first point to be decided was, whether the house would take up this matter by unanimous consent.⁴⁰

MR. AT. GEN. DRUMMOND understood that that was the feeling of the house.⁴¹

MR. A. MORRISON meant to object to its coming on. The Speaker had ruled the motion out of order, and he was desirous that the hon. member for Lambton's "Representation by Population Bill" should go on first.⁴²

MR. CAMERON requested the hon. gentleman to withdraw his objection.⁴³

MR. A. MORRISON persisted in his objection.⁴⁴

MR. AT. GEN. J.A. MACDONALD said, that those hon. members who took the opportunity of opposing the Bill being proceeded with, would incur the responsibility of it.⁴⁵

MR. SICOTTE the SPEAKER said, unless the motion was unanimously agreed to by the house it was not in order.⁴⁶

MR. MACKENZIE would not make objection to going on.⁴⁷

MR. GALT believed that there was an order passed by the house the other night, deciding that any matter down upon the notice[s] of motions, that was not proceeded with, should be regarded as dropped.⁴⁸

MR. AT. GEN. DRUMMOND. — It is competent to move that all the notices of motion up to that time ... be postponed until that one motion has been disposed of.⁴⁹

MR. SICOTTE the SPEAKER said the effect of such a course would be that the whole of these motions would drop from the paper, and hon. members would require to give the Clerk notice to have them again put upon the paper. The less objectionable way to come to the motion of the Hon. Attorney General East, would be to call all the notices of motion, and allow them to be postponed.⁵⁰

Cries of "withdraw," in allusion to Mr. Morrison's objection.⁵¹

MR. A. MORRISON consented to do so.⁵²

MR. BROWN said as the House was now prepared to proceed with this motion he would submit that ... [it] was out of order.⁵³

MR. AT. GEN. DRUMMOND said he had not yet explained his motion.⁵⁴

[MR. BROWN said that he] only placed his objection to the form of the motion.⁵⁵ The point of order was this: One of the Rules for the guidance of their proceedings stated that after a question had been disposed of by vote of the House, it could not be again brought up during the same session. It would be most dangerous to interfere with that rule, and therefore he would put it to the House if the motion now before the chair did not propose entirely to set it aside. It says — “And that in the event of all motions proposing the said places, respectively, being rejected in the first instance, it shall be competent for any one or more members to propose a second time any one or more of the said cities for selection as a proper place for the permanent Seat of Government; and it shall be competent for this House to deal with any such proposal in the same way as with a motion not previously considered during the present Session, notwithstanding any rule or usage of this House to the contrary, and that the said resolutions do take precedence of all other motions and notices of motions this day.” He trusted that part of the motion would be withdrawn, because it proposed to set aside a distinct rule of the House⁵⁶. It was quite clear that if such a thing were done now, the minority would be in the hands of the majority, and that at any time the majority might please to take up some unjust motion, they could pursue this course, and upon arbitrary motions. If the hon. gentleman thought that the standing rule should be reversed let him move for it separately, but not take his present course.⁵⁷

MR. LORANGER requested to know whether the places mentioned in the motion must be voted for in the order in which they were stated in the motion. (No, no.)⁵⁸

MR. MACDONALD was of opinion that the House which sanctioned these rules had the power to dispense with any of them when necessary, and there never was a time when it was more needed than at present.⁵⁹

MR. SICOTTE the SPEAKER said the motion did not conflict with the rules, but with the usages of Parliament, and that usage was for the purpose of preventing members being taken by surprise. It was more a question for the sense of the House to determine, than for the Speaker to rule, for the variance was only in so far as this motion was concerned. He would be disposed to say the motion was perfectly in order.⁶⁰

MR. BROWN said he was satisfied as to the general principle, but the point to which he wished to call the attention of the House, was not only in reference to a rule of the House, but a rule of Parliament. Here was a grave question to be determined, and the motion says they shall proceed in a peculiar way not sanctioned either by the rules or usages of Parliament. How dangerous would it be if a majority could reverse that rule for any special purpose. It appeared to him that this was an occasion in which the rules and usages of Parliament should be most stringently maintained.⁶¹

The motion was allowed to proceed.⁶²

MR. AT. GEN. DRUMMOND said, the object that he had in proposing this motion was, to adopt that mode of voting which would secure the greatest certainty of having a place chosen for the permanent Seat of Government most in accordance with the views of the majority of that house, (hear, hear,) viewing the place to be chosen in a broad and public point of consideration rather than otherwise. It was obvious that if the house followed the ordinary mode of voting, it would become a mere matter of ... [chance] as to which of the places should be selected, (hear, hear,) because the first place that would be voted upon by the house, would most assuredly be voted down. (Hear, hear.) He did not wish to settle himself the order in which these places should be voted, for that order would be regulated by the manner in which hon. gentlemen would act in bringing forward motions⁶³; but he placed Toronto first, because it was the present capital, and then he took Quebec next, as being the previous capital. It was merely through courtesy he gave Toronto the precedence. — Then he came up the river

and took the places in regular order, ending with Hamilton. His object was to prevent the place first voted upon from being out-voted altogether,⁶⁴ in consequence of a large number of hon. members of the house being divided, in the selection of localities, owing to the fact, that they would probably give their votes for that locality in which they resided.⁶⁵

A message was received from his Excellency the Governor General, submitting the public Accounts for 1855, to the house.... Also, a message from his Excellency, stating, that he was ready to discontinue the present system of convening Parliament alternately at Toronto and Quebec, when the necessary information as to what was most convenient to the Legislature, and the requisite things for carrying out its wishes were in his Excellency's possession.⁶⁶

MR. GALT asked whether it was the intention of the government to take up the question.⁶⁷

(322)

The Honorable Mr. *Cartier*, one of Her Majesty's Executive Council, delivered to Mr. Speaker two Messages from His Excellency the Governor General, signed by His Excellency.

And the said Messages were read by Mr. Speaker, all the Members of the House being uncovered; and are, as follow: —

Edmund Head.

The Governor General is ready to discontinue the present system of convening Parliament alternately at *Toronto* and *Quebec*, when the necessary information as to what is most convenient to the Legislature, and the requisite means for carrying out its wishes, are in possession of His Excellency.

Government House

Toronto, 16th April, 1856.

Edmund Head.

The Governor General transmits to the Legislative Assembly the Public Accounts of the Province, for the year 1855.

Government House,

Toronto, 16th April, 1856.

For the said Accounts, see Appendix (No. 30.)

MR. AT. GEN. DRUMMOND proceeded to support his motion.⁶⁸ Supposing that he had taken upon himself to have assigned the order in which this selection of places should be made, it would turn out that "Toronto" would be placed in the most favourable position of all. "Hamilton" would be voted upon first. In speaking of the place that would be voted upon first, and which would surely be voted down — that would be "Hamilton" — (hear, hear,) — he merely wished to regulate the mode of voting upon this great question, and that such a mode should be adopted as would enable the House to reach the most intelligent vote that could be obtained. (Hear, hear.) He thought that hon. members could unite together in choosing an eligible place.⁶⁹ He believed that after the first vote is given, those gentlemen who find that their own locality does not stand so high in general estimation as it does in their own, will be most likely prepared to give a vote for that place which will be most satisfactory to the country, and will most fully possess the confidence of this House. He looked therefore upon the first vote as a matter of doubt, but after hon. members had given their votes once, he hoped that they would not, as he heard it stated hon. gentlemen intend to do, vote against all other places in order to prevent any decision being arrived at. He hoped that if they did not get the place of their choice they would have patriotism enough to give their votes for that place which will meet the wishes of the majority of the members.⁷⁰ He trusted that, now when the question of "permanency" had been declared by the House, in accordance with the well-known opinions of the people, that no attempt would be made to defeat that object. He could only say, that if such an attempt was made, it would be fruitless; and also, that if a place be not chosen by the majority of the House, it must agree to petitioning her Majesty to take the matter into her arbitrement [sic], and decide the question at once. (Hear, hear.)⁷¹ But it would

not be creditable to the representatives of this great and growing country, if they could not fix upon some place for the purpose of carrying out the well-understood wishes of the people. He trusted that hon. gentlemen who had a predilection for a particular place, when they find that place did not carry, would give their votes for the next best place; and that was the case with the Spartans of old, when the question was put who should command the combined armies of Greece. Every man at once contended that he himself was the most fit for that command, but all of them were unanimous in declaring that Themistocles was the second best. By this plan he thought they would come to a correct conclusion in this matter; at all events he trusted that the patriotism of hon. gentlemen would lead them to be united upon some place.⁷² He looked upon his own proposition as no subterfuge. His object was to prevent anything like this great question being settled by means of trick or combination; and he wished to give an opportunity to all those who might have been mistaken in their former votes, to correct them. There could not be any objection to increasing or diminishing the number of places named. It was only necessary for hon. members to move amendments to that effect. He [then] begged to submit his motion⁷³.

- (322) The Honorable Mr. Attorney General *Drummond* moved, seconded by the Honorable
 (323) Mr. *Cartier*, and the Question being proposed, That in order to facilitate the selection of a
 proper place for a Permanent Seat of Government, it is expedient that no place other than one
 of the Cities hereinafter named, be selected, or proposed for selection, as the place where the
 Seat of Government is to be permanently fixed, viz: *Toronto, Quebec, Montreal, Ottawa, Kingston,*
 Hamilton; and that in the event of all Motions proposing the said places, respectively, being
 rejected in the first instance, it shall be competent to any one or more Members to propose a
 second time any one or more of the said Cities for selection as a proper place for the Permanent
 Seat of Government; and it shall be competent for this House to deal with any such proposal in
 the same way as with a Motion not previously considered during the present Session, notwith-
 standing any Rule or usage of this House to the contrary;

MR. PATRICK moved that, in the opinion of this House, the city of Ottawa is the most eligible place for the future capital of Canada, and it is recommended that after 1859, the Parliament be permanently convened in that City, and that suitable buildings be forthwith commenced for the accommodation of the Legislature and Government. The hon. gentleman went on to say, that there had been so much said already with regard to the desirability of fixing the seat of government, that he conceived it quite unnecessary for him to make any remarks on the subject.⁷⁴ One strong objection made by the member for Lambton, a few nights since, to the consideration of this question at the present time, was that Parliament was no sooner moved to Toronto, than it was proposed to move it away again to some other place; but it must be remembered that if preparations are not commenced at once, no place will be ready at the end of the four years for the accommodation of the Government and the Legislature; and therefore it is necessary to adopt some place at once for the future. There is one argument in favour of Ottawa which had not been alluded to; that is, that in selecting the city of Ottawa, and selling the Government property in Montreal, Toronto, and Quebec, there will be a sufficient fund provided to put up the necessary buildings, and leave a surplus. (Laughter.) So that the Province will actually be a gainer by taking that course instead of keeping matters as they now are. With regard to the eligibility of Ottawa, he need say but very little. He believed that almost every member in the house was acquainted with the advantage of its position, and if it were not for mere local influences, there is scarcely one who would not say that it is the proper place. The beauty of the scenery is unsurpassed. — (Laughter.⁷⁵ Hear, hear [sic].)⁷⁶ The advantages of the water power are such as are most desirable in a city likely to be the seat of Government. He need say nothing about the neighborhood of large quantities of iron — (renewed laughter) — or the treasures of the forest. Besides, it is surrounded by an agricultural district of unsurpassed fertility⁷⁷. (Laughter.) In fact, everything desirable was to be found there;⁷⁸ and he had no doubt it will be agreed on all hands that it is the most suitable place⁷⁹ for the seat of government (loud laughter).⁸⁰

MR. TURCOTTE would propose the city of Three Rivers as the most fitting place for the Seat of Government. (Laughter.)⁸¹

MR. LORANGER rose to a point of order. The question submitted to the Chair had reference merely to the manner of taking the vote, while the amendment went into the merits of the question. He would therefore like to know if that amendment was in order.⁸²

MR. SICOTTE the SPEAKER decided that the motion was in order, being sent to the chair as a substantive motion. But perhaps the member for Granville would agree that it would be better to settle the order of voting first, and would not insist on it.⁸³

MR. LORANGER rose again to a point of order. The motion of the Attorney General not only proposed to determine the order of taking the votes, but also to change the whole routine of proceedings, while the motion in amendment set that on one side, and tested the very merits of the question.⁸⁴ He contended it would defeat the object which the hon. Attorney General had in view.⁸⁵

MR. SICOTTE the SPEAKER said that the member for Laprairie must be aware that the reasons he advanced were not sufficient to support a point of order. The motion in amendment, if carried, would prevent the original motion from being put to the house at all.⁸⁶

MR. COOKE (Ottawa) then rose, and moved an amendment to the amendment, that the name of Ottawa, contained therein, be struck out, and that the name of Montreal be substituted. (Hear, hear, and laughter.)⁸⁷

MR. SICOTTE the SPEAKER said it would be for the house to decide upon what course it should take. There is no rule of the house limiting the number of amendments which may be offered, but there should be no more offered than would enable the house to understand clearly what motion it had before it.⁸⁸

MR. HARTMAN took exception to the words in the member for ... [Grenville's] amendment, "that Parliament be permanently convened in that city," as being unconstitutional.⁸⁹

MR. GALT thought it would be better to allow the sense of the House to be taken on the Attorney General's motion. It expressed no preference for one place or another.⁹⁰

MR. PAPIN ... [also] urged the propriety of allowing the vote on the Attorney General's motion to be taken.⁹¹

MR. POWELL wished to be informed on one point. He wished to know whether, if these amendments were negatived, it would be competent for the house to consider a motion in favour of these places subsequently.⁹²

MR. SICOTTE the SPEAKER said, that if these two amendments were lost, the motion of the Attorney General would be put to the house.⁹³

MR. CRAWFORD asked if he would be in order to move an amendment to the last amendment?⁹⁴

MR. SICOTTE the SPEAKER did not think there would be any difficulty, as long as the question before the house is not rendered too complicated. As long as that is the case, he would think himself justified in receiving any amendment.⁹⁵

MR. AT. GEN. DRUMMOND said that as far as he was concerned — or with regard to his proclivities on this subject — he would much rather that the amendment of the hon. member for Grenville should be carried. (Hear, hear, and laughter.)⁹⁶ He must say that he was somewhat taken by surprise. He had no idea that the member for Granville would move this amendment. But he saw how it would work, and he trusted the member for Brockville would go on with his motion, and⁹⁷ that all members who had any desire for a particular place would move it in amendment, in order that all having been voted on and negatived, his motion might come up, and all would have a second chance.⁹⁸ The city of Ottawa would then be placed in that position in which he wished to see it.⁹⁹

MR. TERRILL was of opinion that according to the rules of the house a motion in favour of any one of these places could not be again considered by the house if the amendments were negatived¹⁰⁰, and that Mr. Drummond's resolution, if carried, could only apply to votes taken after it was passed.¹⁰¹

MR. COM. CR. LANDS CAUCHON observed that the members for Montreal, and the members for Ottawa, appeared to be remarkably good friends — each was prepared to vote for the place represented by the other.¹⁰² (Laughter.)¹⁰³ But there is a saying in French, not easily translated into English, that “my skin is better than my shirt.” (Laughter.) The translation might be bad, but the idea is a good one. In spite of the long speeches these members would make in favour of each other's localities, they will be found to watch pretty carefully over their own interests. As there is likely to be some difficulty in choosing that city which shall become the seat of Government, he thought it would be much better — unless some place can be fixed on which will be acceptable to the majority of the house to leave the choice with the Imperial Government altogether. He thought at all events, that after the house had negatived a motion in favour of any particular city, no motion in favour of that city should be taken up again; but that a single straight-forward vote should be taken respecting each city.¹⁰⁴

MR. CRAWFORD rose to move an amendment¹⁰⁵ —

MR. SOL. GEN. H. SMITH ... [rose and] said, that it appeared to him that as yet hon. members were only skirmishing on this question.¹⁰⁶ There were now two distinct propositions before the house, one in favour of Montreal, and the other in favour of Ottawa. He thought there was no use for any more places being proposed at present, and to secure a vote on those two positions, he intended to move the previous question. (Hear, hear.)¹⁰⁷

Cries of “You can't.”¹⁰⁸

[MR. SOL. GEN. H. SMITH] would let hon. gentlemen see that he could. He ... then moved the previous question. (Cries of “No, no.”)¹⁰⁹

MR. POWELL rose to a point of order. (Laughter.) He put it to the House whether the hon. member for Brockville did not state that he had an amendment to propose, when he was interrupted by an hon. gentleman rising to a point of order?¹¹⁰

MR. SOL. GEN. H. SMITH replied, that he did not rise to a point of order. He rose to move the previous question.¹¹¹

MR. SICOTTE the SPEAKER ruled that the Solicitor General was perfectly in order.¹¹²

MR. SOL. GEN. H. SMITH explained, that he had risen to move the previous question, because he was anxious to see whether hon. gentlemen expressing themselves in favor of the two places mentioned were sincere; and he would like to know if he was out of order.¹¹³

MR. SICOTTE the SPEAKER said the hon. gentleman was not out of order in his motion.¹¹⁴

MR. SOL. GEN. H. SMITH said that as, in spite of all that had been said to the contrary, he understood he was in order, he would persist in his motion. He did not mean to dictate any particular place as the most fitting place for a seat of government; but wished to hear [sic] the opinions of hon. gentlemen as to the places just named. They had been in Montreal once, but he did not wish to go there again. He did not wish to see the government again located in a city where such riotous scenes had been enacted (cries of hear, hear, and¹¹⁵ oh! oh!)¹¹⁶

MR. LORANGER. — Whose fault was it?¹¹⁷

MR. SOL. GEN. H. SMITH said that those gentlemen from Montreal did not like to hear the truth told. He was not there himself and only knew the facts he had referred to from history. — But from all he had heard of the conduct of certain parties who burned the Parliament House — (cries of name them) — such a population was not fit to have the Seat of Government amongst them. (Oh! oh!) Hon. members cried, name them! Was he asked to name parties guilty of felony?¹¹⁸ But he would remind hon. gentlemen, that he was 200 miles away from the city at the time.¹¹⁹ If he had been [there] he would have used his best exertions to prevent the commission of such an act. But he was opposed to the Seat of Government being fixed at Montreal on other grounds.¹²⁰ He believed it was too far East of this Province.¹²¹ He thought the Seat of Government should be fixed in some place farther to the West. However, he did not think Toronto the best place either. Probably, somewhere between Montreal and Toronto a suitable place could be found. — (Hear, hear, and laughter.)¹²²

Cries of hear, hear, from MR. AT. GEN. J.A. MACDONALD¹²³.

[MR. SOL. GEN. H. SMITH continued:] There was a very suitable place almost equidistant between these two points, where the Government had been carried on for some years already, and where some of the most valuable laws on the Statute book had been passed.¹²⁴ (Name, name.)¹²⁵ He quite agreed with the hon. member for Glengary, that removals of the Government from one place to another were injurious. He had voted against the removal from Montreal. He voted against the removal from Toronto, and he voted against the removal from Quebec. But he had voted against the first removal of all from Kingston. (Hear, hear.) That was the first great mistake. The Seat of Government was fixed in Kingston by Lord Sydenham, after much deliberation and consultation with the Home Authorities and the great mistake was in moving it from that place. If they wanted to correct all their mistakes, they must go back to Kingston. But in the meantime he wished the propositions in favour of Montreal and Ottawa to be distinctly disposed of, and he therefore moved the previous question.¹²⁶

[The motion was] seconded by MR. AT. GEN. J.A. MACDONALD.¹²⁷

MR. LORANGER said the hon. Solicitor General was out of order.¹²⁸

MR. GALT said the previous question was not in order.¹²⁹

MR. SICOTTE the SPEAKER said that many were decidedly of opinion against the previous question being put, but there were cases in which the House of Commons had allowed the previous question to be put in this way.¹³⁰

MR. TERRILL said the majority of the house had come prepared fully and fairly to discuss the question¹³¹; instead of that, the Solicitor General had taken a step which could only have the effect of shutting the mouths of the majority of the House by involving the whole business in inextricable confusion, and this by a mere trick of legerdemain.¹³²

MR. SICOTTE the SPEAKER interrupted the hon. gentleman by stating that he understood him to rise to a point of order.¹³³

MR. TERRILL was under the impression that the Speaker had decided on the point of order. (No, no.)¹³⁴

MR. RANKIN was sorry to hear such a word as legerdemain applied to the conduct of the Solicitor General. Surely the hon. gentleman did not mean to say that the Solicitor General was capable of thimble rigging.¹³⁵

MR. GALT raised the point of order, whether the previous question could be moved, when there were amendments to the main question before the chair.¹³⁶

Several members having expressed their views on the point,¹³⁷

MR. SICOTTE the SPEAKER sustained the objection, and ruled the motion for the previous question out of order.¹³⁸

MR. CRAWFORD moved an amendment to the second amendment, that the word Montreal be expunged, and that the word Kingston be inserted instead.¹³⁹

MR. AT. GEN. J.A. MACDONALD asked if this amendment was in order.¹⁴⁰

MR. SICOTTE the SPEAKER said he thought the House should decide how many amendments should be put.¹⁴¹

MR. BROWN believed it had been the invariable practice to stop with an amendment upon an amendment. He did not know of an instance to the contrary on the Journals.¹⁴²

MR. POWELL said that the only objection to moving one amendment upon another was, that it was apt to make great confusion, but that objection could not apply when these amendments were only the substitution of one name for another.¹⁴³

MR. SICOTTE the SPEAKER said that there was no rule on the subject, and that it was a matter entirely for the house to decide.¹⁴⁴

MR. RANKIN then moved in amendment, that Toronto should be the Seat of Government. — Although Toronto (he continued) might not at present be the most central position, yet when they considered the immense tract of country that was about to be opened for settlement, it was evident that in a short time it would be, if not the geographical centre, the centre of the largest population. Another argument was, that they were now here, and by keeping this as the Seat of Government an immense saving in the cost of moving would be made. Whenever the question came up he would always move for the Seat of Government being kept where it then happened to be. As, however, in a short time they would be able to go from Toronto to the more remote parts of the country in twenty-four hours, the precise position made very little difference. He could not understand the course the Government had pursued on this matter. If there was any point on which they should be able to agree, this was one, and their not being able to take any decided course showed that they were unfit to hold office any longer. He was well aware that the tone of the remarks he was now making was not consistent with the manner in which he had spoken of the Ministry on some former occasions, but it would be remembered that he had always maintained an independent position, and had never allowed himself to be described as a follower of the Government, and though he had supported some of their measures, he had never regarded them as men of a high order of talent, and anything of a complimentary nature which he had

said about them was well known to have been said in irony. He would still support such measures as he approved of, regardless of the quarter from whence they emanated. In looking at the conduct of the Government lately, he could not help thinking of a certain exhibition in Trafalgar Square, called the "Happy Family," which consisted of a collection of animals, naturally the most hostile to each other, but which had been taught to appear before the public as the most harmonious in the world.¹⁴⁵ There might be seen the rat and the cat, and the dove and the vulture, all of them living peaceably together. This was exactly the position of the present government; which, as it now stands, was composed of ferocious animals, whose nature was to tear and eat one another, and yet they seemed to live pleasantly together. It appeared to him (Mr. R.) that when the animals composing the "happy family" were withdrawn from public gaze¹⁴⁶ they would indulge in a few scratches and bites, and he thought the Ministry were somewhat in the same position, for, notwithstanding their professions of perfect harmony, no great question came up on which they had not some difference of opinion, and he had no doubt that in private, like the happy family, they indulged in some of those contests of which the house sometimes saw the symptoms.¹⁴⁷ To return to the subject, he would say that if the Government had come down and named a place as the Seat of Government, they would have done more for the country than they ever did before. He did not like to dwell on this particular — (cries of go on,) — as it was not perhaps speaking to the point — ¹⁴⁸

Cries of go on from the Ministerial benches.¹⁴⁹

[MR. RANKIN continued:] But as the Government wished him to go on, he would go on. Whenever he spoke anything in favor of the present Government, it was more in irony than in sincerity. And he would say, in the first place, that it was founded on a compromise of principle.¹⁵⁰

MR. SICOTTE the SPEAKER ... called [the gentleman] to order¹⁵¹.

[MR. RANKIN continued:] He had stated before he was told to go on, that a more suitable time could be found than the present for speaking on the demerits of the Government, and he would say no more on that subject to-night. But he would tell hon. gentlemen that the question of a permanent seat was a question that effected [sic] the character of every member, as a statesman. He would, therefore, move that the name of "Toronto," be substituted for "Kingston," as in Mr. Crawford's amendment.¹⁵²

MR. AT. GEN. J.A. MACDONALD ridiculed the remarks of the last speaker, who had been describing happy families, and such exhibitions, with such wit and gusto as would lead people to imagine that he must have been a showman himself¹⁵³ all his life. He had talked about the rats and the cats as if he knew all the mysteries of that profession, and he no doubt had a good idea of it all¹⁵⁴. A great many strange things might be seen in London — rhinoceros and giraffes — and a many more strange animals might be seen there. They might even see Ojibbaway [sic] Indians there. (Laughter.)¹⁵⁵ However, no exhibition could be more extraordinary than that the gentleman had made of himself, when he acknowledged he had often given his vote with the ministry, and had often complimented them, but never meant what he said, and only spoke in irony. The House was now warned of the gentleman's speeches and compliments, and probably they would value at his own standard the compliment he had paid to the city of Toronto three weeks ago. The hon. gentleman would not have made these remarks, but he was getting sharper as he got older, and now, no doubt, wanted to make a merit of saying in irony what he had achieved in his first native sympathy.¹⁵⁶ Now the House knows what the hon. gentleman would be at; and the House will have to enquire of him in future, whether he is speaking ironically or not. (Laughter.) The hon. gentleman may as well get the full benefit of what he says in irony. For instance, he has asked the House to believe that whenever he voted with the majority of the House, he did so ironically. But he (Mr. McDonald,)¹⁵⁷ could not believe ... that the hon. member was quite so bad as he had represented himself to be, and he thought that the remark must have been an after-thought, for the hon. gentleman could never have been so insincere as to have voted on

many occasions with the majority of the house contrary to his own convictions.¹⁵⁸ And no doubt he would repent to-morrow of what he had done that day.¹⁵⁹ If the hon. gentleman meant what he said, how was his present motion to be viewed? (Hear, hear.) In conclusion he would move that all the words following the word "resolution," be left out; and that the "votes of the House be taken on the several amendments in the order that they were placed in t[h]e hands of the Speaker."¹⁶⁰

This motion was objected to¹⁶¹.

MR. SICOTTE the SPEAKER said that in the last amendment the word "resolution" was not to be found. (Laughter.)¹⁶² [He also] ruled that it was out of order, on the ground that it required that the motion first placed in the hands of the Speaker should be the first put, while by the rules of the house, the amendment last moved must be first put.¹⁶³

MR. RANKIN would wish to say a few words in reference to what the Attorney General West had stated. That hon. gentleman¹⁶⁴ had adapted his words in a very patronizing manner, the courtesy of which he hoped to return hereafter. Besides, that gentleman had been induced to allude, among other exhibitions, to that of the Ojibewa [sic] Indians. That exhibition, however, was a respectable affair, and did not consist of ravenous animals, who were prepared to devour each other, while they came before the public with loud pretensions of their unanimity and good feeling — pretensions which were put forward, while all the world knew they were incorrect¹⁶⁵ — for it was well known that they were all plotting and counter-plotting against each other.¹⁶⁶ He would say that he, the Attorney General, was right, when he said that he (Mr. R.) voted sincerely; and¹⁶⁷ he should be able, he hoped, to shew that for the future he would be consistent in voting, as he had heretofore done, on each motion according to his own judgment upon it. As to the Government, he would admit that his feelings had suffered a change. Till a recent period he had thought the Government were not men of a high order of intellect, but men not destitute of the sentiments of honor, which are characteristic of gentlemen. He had now lived to discover that there was one member of that Government, whose character he could not then describe, because, in order to do so,¹⁶⁸ it would be necessary for him to resort to language not fit to be used in that House. But he would say this: that the character of that individual was such that he never, hereafter, could entertain any other feeling than that of contempt. (Order.) For where he found a man destitute of truth he could not regard him in any other light. (Order, order.) He alluded to the Attorney General West. (Cries of order, order.)¹⁶⁹

MR. SICOTTE the SPEAKER here rose and said it was 6 o'clock, and left the chair.¹⁷⁰

MR. SICOTTE the SPEAKER took the Chair shortly after the half-hour. After a few minutes ... [he] rose and said, as some words were used by an hon. member of this House before six o'clock which were of such a nature as¹⁷¹ to bring on a personal collision between that hon. member and the Attorney General West¹⁷², he thought it to be his duty to call the attention of the house to the possibility of [such] a collision...; and he thought, in order to prevent anything unpleasant taking place, that both gentlemen should be put under custody of the Sergeant at Arms. (Hear, hear.)¹⁷³

MR. CHISHOLM said, if the language that was used by the hon. member for Essex, before the house adjourned, was to be permitted upon the floor of that house, collisions would take place constantly, and in the house itself he thought it was right to call upon that hon. member to retract those words, or that they be taken down. Neither of the hon. members were now present, and it became the house to vindicate its own privilege, and to send for both of the hon. gentlemen and place them in the custody of the Sergeant at Arms. The interval which had elapsed between the adjournment and now, should have led the hon. member for Essex to have retracted.¹⁷⁴

MR. MURNEY deemed it right for an hon. member in the Opposition to state what he pleased, in a political way, to the hon. gentlemen¹⁷⁵ who occupy the Treasury benches — to call attention to their policy, and to the way they meet the arguments of hon. gentlemen opposite¹⁷⁶, and to do as the hon. member for Essex had fairly done. (Hear, hear.) How had that hon. member been met? Why in a spirit of ridicule, and with the determination of insulting him. (Hear, hear.)¹⁷⁷

MR. SICOTTE the SPEAKER hoped the hon. member would see that it would be unbecoming to make any personal remarks which could only have the effect of increasing the feeling of the House by such words. He did not think proper to call the Attorney General West to order, when he addressed the House before 6 o'clock,¹⁷⁸ because he thought that the hon. gentleman did not go beyond what he (the Speaker) thought was Parliamentary language.¹⁷⁹

Other hon. members rising to speak were met with cries of chair, chair, hear, hear.¹⁸⁰

MR. SICOTTE the SPEAKER continued. — To prevent further difficulty he must beg of the hon. member for Essex [Mr. Rankin] to retract the words he used¹⁸¹ [OR] he must beg the hon. member [Mr. Murney] to restrict his remarks to the question before the House.¹⁸²

MR. MURNEY thought it to have been a desire upon the part of the Attorney General to insult the hon. member for Essex personally.¹⁸³

MR. SOL. GEN. H. SMITH rose to a point of order. (Confusion.)¹⁸⁴

MR. SICOTTE the SPEAKER requested the hon. gentleman to state it.¹⁸⁵

MR. SOL. GEN. H. SMITH said the hon. member was not speaking in his right place in the house.¹⁸⁶

MR. MURNEY (with warmth) replied, that he was in his place; he was in the house.¹⁸⁷

MR. SICOTTE the SPEAKER said, we have no rules here, as in the House of Commons, to compel members to speak within an inch of their proper seat.¹⁸⁸ Here, if an hon. member was on the floor of the House, he was at liberty to speak.¹⁸⁹

MR. MURNEY was quite willing to submit to the superior judgment of the Speaker. But he had listened with great pain to the speech of the Hon. Attorney General West,¹⁹⁰ because he felt it was calculated to call forth such a reply as was made.¹⁹¹ He (Mr. Murney) claimed for himself¹⁹² the right of an independent member to express to these hon. gentlemen opposite every opinion he entertained of them, either for or against their political acts, and he denied their right to take offense at anything he would say.¹⁹³

MR. SICOTTE the SPEAKER said, if the house was to go on with this controversy, more trouble would ensue. He would propose a plan which would incur no blame to either of the hon. gentlemen, namely, that they should be both placed under the custody of the Sergeant-at-Arms — (hear, hear, and sensation) — when, probably, the house would be in a better position to judge of their conduct, and it could adjudicate upon it. That would be the better way, without now discussing which was in the right and which the wrong.¹⁹⁴

MR. J.S. MACDONALD concurred in the ruling of the Speaker in so far as to the disposing of the two hon. gentlemen, but he could not concur in regard to the future action of the House.¹⁹⁵ The favourable opinion expressed by the Speaker of the conduct of the Attorney General West had evidently

raised an issue. The Speaker had stated, that he thought the Attorney General used no language which was not parliamentary. It appeared to him (Mr. J.S. M.), with due deference to the Speaker, that he had raised this issue, and he (Mr. M.) agreed, that after what had transpired, the house should take upon itself to stop any resort to measures which might be disastrous.¹⁹⁶

MR. AT. GEN. DRUMMOND said there was no danger.¹⁹⁷

MR. J.S. MACDONALD said it was the duty of the house, now, to take the matter up. The Speaker ought to have remained, under any circumstances, before the house adjourned, and have taken down the words of the hon. members, if he thought that they ought to have been taken down.¹⁹⁸ It was impossible now, after such a lapse of time, to take down the words which were used. He did not know any case upon record, where, after a length of time had elapsed, offensive words which had been used were ever attempted to be taken down. The words required to be taken down at once. He could not altogether agree that the speech of the Attorney General was not such as to call for such a reply as was made by the member for Essex.¹⁹⁹ As much as he (Mr. M.) was sorry that the words had been used upon both sides, he found that there was now room open for discussion, in consequence of the Speaker's declaration.²⁰⁰

MR. AT. GEN. DRUMMOND thought the proper course was, to require the words used by the hon. member for Essex to be taken down by the clerk. It was not too late, as no other hon. gentleman had got the floor on the debate. The hon. member for Essex had been stopped in the middle of his speech by the adjournment. No other proceeding had taken place between the time when these words were spoken, because the Speaker had almost cut off the last words. The house at the time felt that the language uttered was that species of language which never should have been made use of on the floor of that house, but it was impossible for any hon. member to bring any motion before the chair. He therefore conceived that now was the only time when the house should call that hon. gentleman to account. He would not discuss whether there had been any provocation or not. He was not in a position to discuss that, as the Attorney General was his colleague, but so far as he could see, there was nothing at all calculated to assail the personal character of the hon. member for Essex, or anything said intending to attach a reproach to him in anything which the Hon. Attorney General had said. The Attorney General rose to repel an insult of a very gross character, directed not only against him, but the whole of the Ministry.²⁰¹

MR. SICOTTE the SPEAKER said, if the hon. member was allowed to defend the course pursued by the Attorney General West, hon. gentlemen opposite would claim the privilege of reply.²⁰² He thought that the hon. member for South Hastings (Mr. Murney) was going beyond what was necessary. He (the Speaker) had proposed a mode of settling the matter, and if it was not acceptable to the house, then the house must adopt some course of itself. He (the Speaker) claimed to be entirely free from bias in the matter, and he would say that the mode proposed from the chair was the proper one to bring this question before the House in a manner and at a time when this House should be in a more fit situation to adjudicate upon it. (Chair, chair.)²⁰³

MR. AT. GEN. DRUMMOND had no intention to interfere with the chair. He was much pleased that the chair should have thought proper to adopt this course. (Hear, hear.) But he was under the impression that the Attorney General had returned into the house, and that the Speaker would have expected that a different course would be adopted. He thought that the Speaker had come to that conclusion because that neither of these hon. gentlemen were present. He (Mr. Drummond) did not think that there would be any occasion for putting the Attorney General in the custody of the Serjeant at Arms. (Cries of "of course not.") But he thought that the hon. member for Essex ought to be brought back to the house, and that moment there would be no necessity for his remaining there, for he

was quite sure that that hon. gentleman would submit to anything that would be decided by the house or Speaker. If the Speaker thought that the proper course was, that both hon. gentlemen should be put in the custody of the Sergeant at Arms, he would accede to any proceeding which had for its object the restoration of harmony.²⁰⁴

MR. MACKENZIE thought that this was the way to restore harmony.²⁰⁵ He would not say a word in regard to the one hon. member or the other, but he would say that the course proposed by the Speaker was an honest and manly one, and did not in any one way reflect upon the one hon. gentleman more than upon the other.²⁰⁶ The only object to be desired was peace and quietness.²⁰⁷

MR. CAMERON should think that there was no necessity for any such course to be adopted. The Hon. Attorney General West was now in the house, the other hon. gentleman was not, and he was satisfied that there could be no imputations cast upon either of them if the house would call upon the hon. Attorney General to give the pledge that no further proceedings should be taken by him. Both hon. gentlemen ought to be required to do this, and the hon. Attorney General ought not to be given into custody. He was certain that the hon. member for Essex would immediately be in his seat, and give the like pledge too; for it would not be conceived that any one pledge should be taken by one hon. gentleman or the other, particularly after being brought before the attention of the house, which would lead to consequences subversive of the honour and dignity of that house. (Hear, hear.) The course which had been taken in the House of Commons on several occasions was, that the hon. gentlemen should take the pledge which the house was called upon to require.²⁰⁸ He trusted therefore that there would be no necessity for putting either of the gentlemen under custody. The Attorney General, who is present, will give that pledge; and when the member for Essex appears, he would also give his pledge to the House that nothing would be done.²⁰⁹

MR. AT. GEN. DRUMMOND did not think that any pledge should be required from the Attorney General West, but the hon. gentleman should be now required to remain in the house until the other hon. member came in. (Hear, hear.) It was not right that a pledge should be given by the Attorney General, which would expose him to his accusers.²¹⁰

MR. CAMERON. — Surely the Attorney General East had misunderstood him? Did he imagine that he would ask from the Attorney General such a pledge as would not only be discreditable to that hon. gentleman, but discreditable to the gentleman who proposed it. But he felt that a proposition of that kind being made, it would be discreditable to the gentleman who was absent if he did not [sic] feel himself bound by it.²¹¹

MR. BROWN could not allow this debate to close without expressing his regret that it should be necessary to ask any pledge from any hon. gentleman of the house, (hear, hear,) or that a challenge should be sent about a few hasty words, which were either uttered without thought, or which if uttered upon some slight consideration, both the hon. gentlemen in question would feel themselves justified to withdraw. It was a most melancholy idea to think, that at the present day, in the middle of the 19th century, hon. gentlemen should stand up in the House of Assembly here and admit the proposition that they could dream of "shedding one another's blood."²¹² He was certain that the Attorney General would stand up in the House and say that he has no intention of sending a challenge to the hon. member for Essex.²¹³ (Hear, hear.) It would be well for the members of the Government if they would look upon such attacks when made as not directed to themselves personally, but against the Government.²¹⁴ The remarks in general are purely political, and should be taken as such.²¹⁵ He would not dilate further upon this point, but earnestly hoped that this matter would be allowed to drop, with the assurance from the Hon. Attorney General that he had no idea of sending a challenge.²¹⁶

MR. POWELL thought the hon. member for Toronto had very properly stated the true position of things. He (Mr. P.) had sent for the hon. member for Essex, and he doubted not but he would be immediately here.²¹⁷

MR. MERRITT concurred in the manner that this subject had been brought forward, and in the expressions made by the Speaker and the Attorney General East.²¹⁸ The House might still be considered to be in Session, although by one of their own rules there was a short recess.²¹⁹ These words could now be taken down, and they ought to be. He heard the language of the hon. gentleman in question with great pain, and the course to pursue was, to take down the words used by the hon. member for Essex, and make him apologize for the expressions he had used.²²⁰

MR. STEVENSON thought the language used was very unparliamentary and ought to be taken down, and that the hon. member for Essex should retract.²²¹ [He] would therefore move that the hon. member for Essex be taken into custody.²²²

MR. GALT did not think that it would be conformable with the propriety of the house to give any hon. member into the custody of the Sergeant-at-Arms, without anything being before the house.²²³ It seemed to him that something must precede that order. He thought that the Attorney General East should advise the House what course they should pursue.²²⁴

MR. AT. GEN. DRUMMOND said, he had submitted to the house the course which the Speaker had pointed out, and he thought that that was the present course. When the hon. member for Essex appeared in the house, then would be the time to consider whether there should be a motion made to take down his words or not. He thought that the house should proceed with the original debate, and stop on the arrival of the hon. member for Essex.²²⁵

MR. TERRILL said, if he understood the course of this proceeding aright, the words ought to be taken down from the lips of the member for Essex, by whom they were uttered, when he returns to his place in the house; and if he should refuse to repeat them it would be an indication of his desire to retract. It was impossible to take down those offensive words at the time as the Speaker immediately left the chair; and it is evident that they could not be taken down from the mere recollection of hon. members²²⁶ after so long an interval.²²⁷ The subject must be dealt with in some other way, and perhaps the move suggested by the member for Prince Edward is the proper course. The other certainly is not. He heartily concurred in the suggestion of the member for Lincoln, that there is no reason to suppose that the house has lost the power of taking down the offensive words, from the mere fact that some time had elapsed since they were uttered at six o'clock.²²⁸ But as to the way in which it should be dealt with he did not consider himself qualified to express any opinion.²²⁹

MR. AT. GEN. DRUMMOND said it is impossible to take down these words unless the member for Essex was in his place. The house was informed by the member for Carleton that the member for Essex will in a short time be in his place, and then the words could be taken down. It is quite clear that the adjournment at six o'clock does not deprive the house of the power of taking the words down; but perhaps taking up any other matter of business would prevent it, and therefore he would propose that the Speaker should leave the Chair for ten minutes, and allow the member for Essex an opportunity of appearing in his place. It is a most important matter, and should be terminated at once. All would regret, if in consequence of a disinclination to delay the business of the house for a few minutes, anything should occur which would lead to disastrous results, causing grief for the past and perhaps entailing a frequent repetition of similar scenes. All would have reason to regret it, more especially at this period of the world when all might well hope that these relics of barbarism had been consigned to oblivion.²³⁰

MR. CAMERON thought it impossible to take down the words two hours after they had been uttered from the recollection of hon. members, when no two of them could agree upon what words should be taken down. There are abundance of precedents which can be brought to show that when the words are taken down, they are taken down on the spot or not at all. And the very fact mentioned by the Attorney General East, that the member for Essex will be in his place in a few minutes, and that the house must then trust to his willingness to repeat those words, is a clear proof that they cannot be taken down. Whenever a similar case has occurred in the House of Commons, it is quite clear that the words should be taken down on the moment, or that the Speaker, at the instance of any member, can call on the members concerned to give a pledge to the house, and there is an end of the matter. He would venture to assert that no six members present could agree as to the words spoken by the member for Essex; and if the house should go into a discussion as to what the words were, the whole question is to be opened again. The rule observed should be that the words should be taken down while fresh in the memory of every member present, and not after a length of time has elapsed. As an instance of the necessity of this course, he would mention that he had spoken to gentlemen sitting immediately around him, and no two could agree as to the words really used.²³¹

MR. J.S. MACDONALD quoted from the proceedings of the House of Lords and the House of Commons, to adduce authorities for the purpose of showing that the words must be taken down immediately on their being spoken, and that if any speech were made, or business intervened, it could not be done.²³² In the present instance not only had several speeches been made, but a long interval had taken place.²³³ He would not conceal from himself the fact that ... when the member for Essex was speaking, and before he had proceeded so far as to mention the name of the Attorney General West, objection might have been taken to his language; but he was permitted to go on, no objection was made, and the authorities from which he quoted were quite conclusive that objection ought to have been taken at once. Now he would say that since the house had adjourned at six o'clock, he and two or three others had endeavoured to ascertain what were the words used by the member for Essex, and they could not agree. But he would join any member in the house in exacting from the member for Essex and the Attorney General West a pledge that these proceedings should go no further.²³⁴

MR. PROV. SEC. CARTIER thought that the precedents adduced by the member for Glengary had no reference to the case. It is not now the time to discuss the question whether the words used by the member for Essex were objectionable or not. When the member for Essex appears in his place, he should be called on to repeat those words; and if he does not, then every member in the house should make his statement of what they were to the best of his recollection.²³⁵

MR. POWELL said he thought the House had unnecessarily alarmed itself. He had been in company of the hon. member for Essex since the House rose and he had received no communication from the Attorney General²³⁶ —

Interruptions from the ministerial side of the house.²³⁷

MR. SICOTTE the SPEAKER said it would be better to adjourn any further discussion of the matter at all events till the hon. member for Essex was in his place.²³⁸ [He] again begged of the House [sic] to adopt the mode he had suggested. It was not necessary that the hon. gentlemen should be removed from their place by the Sergeant-at-Arms. In taking them into custody it would only be necessary for the two gentlemen to give him a pledge that they would be ready to answer an order of this House at the proper time, and the most proper time will be at the next meeting of the House.²³⁹

MR. J.S. MACDONALD saw the Attorney General West in his place, and hoped he would not leave it.²⁴⁰

MR. SICOTTE the SPEAKER said that from what had already taken place, he believed it would be his duty, and the duty of the house to resume the discussion on the motion before the chair. The house would take care that before it adjourns, those hon. gentlemen would be required to carry out what he believed to be the wishes of the house. (Chair, chair.)²⁴¹

MR. POWELL made some remarks²⁴² amid renewed confusion.²⁴³

MR. SICOTTE the SPEAKER. — The house will resume the discussion.²⁴⁴

MR. LORANGER said the Commissioner of Crown Lands (Mr. Cauchon,) had made a statement unbecoming his position in this house, and as a member of the government, when he said that this question of the Seat of Government should be fixed by the Royal Prerogative. He considered it unworthy of a member of the Canadian Parliament, and of the Canadian Government, to say that Canada had not a sufficient amount of²⁴⁵ wisdom, or discretion, or patriotism²⁴⁶ to fix its own Seat of Government. It would be saying to the world at large that they were only children, that they were still under tutelage, and could not manage their own business, but must refer it to England.²⁴⁷ By the constitution they were not only left to manage all their own business, not merely business of detail, but business of [sic] the most important character. But [they] would be giving the lie to their liberties, to their privileges, and to their constitution, to acknowledge their own weakness by leaving this question to the Arbitrament of the Queen of England. He would defy any hon. gentleman to get up and assert the contrary.²⁴⁸ If a member of the Provincial Government, he would have been ashamed to have made so humiliating a proposition. But, coming to the immediate question before the chair, he regretted to find that there were members of this house, who were in the minority the other evening on the question of the permanence of the Seat of Government, who desired to defeat the vote of the house, by voting against every place that might be proposed.²⁴⁹ The hon. gentleman went on to contend that the House was not bound to vote for a fixed Seat of Government, and he hoped the hon. Commissioner of Crown Lands would not persist in the idea of leaving the location to be decided on by Her Majesty.²⁵⁰

MR. LYON had thought there were but three cities in this Province which properly speaking were rivals for the honour of being the Seat of Government, — Montreal, Ottawa and Kingston. But as the list had been extended, by Quebec and Toronto being added to the list,²⁵¹ he would aid in placing the several incorporated cities mentioned in the Atty. General's motion. He desired to place Hamilton on the list as much more proper for the Seat of Government than Toronto. There they would have freedom of discourse, and freedom of action, on the part of the members of the Legislature, and freedom of the Government from certain influences which made themselves felt here.²⁵² He moved, therefore, that the word Toronto in the last amendment be struck out, and the word Hamilton be inserted in lieu thereof.²⁵³

MR. COM. CR. LANDS CAUCHON in reply to the hon. member for Laprairie, defended his proposition for leaving the question to be decided by the Royal Prerogative, which would only be exercised, however, he said, in accordance with the wishes of the majority of the house.²⁵⁴ He thought that the hon. member himself would be adverse to adopt the principle he alluded to. It was not unbecoming, surely, to refer a matter of prerogative to the Sovereign. When a nation had a dispute, they of [t]imes referred it to the Sovereign of some lesser State. Why should we decline this reference to our own Sovereign?²⁵⁵

MR. FERRES did not exactly understand the doctrine of the Commissioner of Crown Lands.²⁵⁶ If the decision were left to the Crown, it would be very difficult to get such a decision.²⁵⁷ The Crown, in exercising its prerogative, would, of course, act according to advice. But how could it get that advice from the Canadian Government, who were so much divided on the question — the Attorney General West being in favour of one place, the Commissioner of Crown Lands in favour of another, the

Attorney General East in favour of a third, and he was not sure but the Inspector General would be in favour of a fourth.²⁵⁸ He thought they had better withdraw all the amendments; lest putting the several places of amendment, ere the Attorney General's motion was decided, should prevent their being put again. The motion, he feared, would not have a retroactive effect.²⁵⁹

MR. POWELL had put the question and understood the Speaker to rule that the putting of the amendments would not prevent the several places from being put again if the Attorney General's motion was carried.²⁶⁰

MR. SICOTTE the SPEAKER stated, that if all the amendments were negatived, and the original resolution carried as to the manner in which the house should proceed to decide the question of the Seat of Government, any name previously negatived by the house would not be prevented from being offered again.²⁶¹

MR. POWELL then moved that the word Hamilton, in the last amendment, be struck out, and the word Quebec substituted. (Laughter.)²⁶² Quebec, where they had all passed so many happy days, should not be forgotten.²⁶³ The hon. gentleman entered into an explanation of the motives which induced him to make this amendment. No place in the Province, was, in his opinion, better fitted for a seat of government than Ottawa, but if Ottawa proved an unsuccessful competitor, then there was no better place, perhaps, with the exception of Montreal (loud laughter,) ²⁶⁴ that he would so soon see the Seat of Government as Quebec.²⁶⁵ In making this motion, his object was, that when Quebec was decided upon, as it would be, to be unfit for the seat of government, and the other cities named in the hon. Attorney General's resolution, with the exception of Ottawa — were also decided to be ineligible; that then Ottawa might again be proposed.²⁶⁶

MR. TURCOTTE, in reply to the Commissioner of Crown Lands, said that the personage to whom the Imperial Government would apply for advice in a question like this was known to be one who had no predilection for the French Canadian race.²⁶⁷

MR. SICOTTE the SPEAKER reminded the hon. member that it was out of order to speak of the Governor General in the house.²⁶⁸

MR. TURCOTTE said that the loyalty of the French Canadians was such, that the last gun which would be fired in Canada in defence of the British Crown would be by the French Canadians.²⁶⁹ [He] thought the question should be treated as a national, not a local one.²⁷⁰ He desired that the Seat of Government should be fixed in some place where there would be some sympathy for French Canadians, and where their language would be understood. How would those hon. members who were in favour of Toronto, like to be placed in a city where, outside the walls of the house, there would not be one word of their language understood. They should fix upon some place where both languages would be understood.²⁷¹ Such a place was Quebec, Montreal or the city of Ottawa.²⁷²

MR. ROBINSON thought that the argument of the member for Maskinonge was the worst he had ever heard him use; reverse it, and it would be equally strong with Upper Canadians against going to Lower Canada.²⁷³ Why should Upper Canadian members be compelled to go down to Lower Canada, and to a people [sic] whose language they did not fully, and in many instances, at all understand? For it was a fact that the French members understood English much better than the Upper Canadian members understood French. With reference to the motion before the chair,²⁷⁴ he was quite prepared to vote in favour of Quebec whenever the question came up.²⁷⁵

MR. EVANTUREL, though not in favor of the alternate system, yet accepted it as a *pis aller*, awaiting the time when a new political condition would be forced on them by the politic of the member

for Lambton. The members for Quebec would take ... care of their own interests. They did not care for the intervention of the member for Carleton this session any more than for that for l'Assomption last year.²⁷⁶ [He] was in favor of a reference of the question to Great Britain.²⁷⁷

MR. PAPIN had proposed the city of Quebec last year; and had the member[s] from that district voted with him, that city would now be the permanent Seat of Government. He had then proposed it because he knew Montreal could not obtain a majority of votes, and because²⁷⁸ he thought it more advantageous for Lower Canada that the Seat of Government should be at Quebec, then [sic] that it should not be in Lower Canada at all.²⁷⁹ He made no secret of the fact that he was more in favor of Montreal. But when the people of Quebec themselves abandon their interests, they must not complain if others did so likewise. It having been determined that the Seat of Government question should be settled, he would vote for Montreal first²⁸⁰. But he would not do as the member for Carleton had done, and present Quebec in an unfavorable position.²⁸¹ In the event of ... [Montreal] not being chosen, he would next vote for Quebec or Ottawa. He would advise the members from the District of Montreal to vote for Quebec, as it came up first. If his three favorite cities were defeated, he would vote in favor of any other city that might be proposed²⁸², Toronto even, rather than continue the perambulating system.²⁸³

MR. BOWES thought that hon. gentlemen should be very much struck with the modesty displayed on this question by the members for Toronto. It had been left to the hon. member for Essex to make that proposition, and to speak of the great natural and commercial advantages which Toronto posses[s]ed. And he would merely add, that he believed the fact to be indisputable, that Toronto's claims to the Seat of Government were much superior to those of any of her competitors. Amongst the arguments urged against fixing the Seat of Government in Toronto, it was advanced that Toronto having been the Seat of Government from the early history of Canada down to the time of the Union, she had derived such benefits therefrom, that she should be henceforward deprived of it. Now, he would simply reply that that argument cut both ways. Having been deemed the fittest place for the Seat of Government at such an early period, and being deemed worthy to be continued as such for so many years — when it was far inferior in every respect — why should it not be again fixed here, now that every requisite for a Seat of Government was found here? And, when one of the conditions of the Union was that the Seat of Government should be fixed in Upper Canada:²⁸⁴ But he was of opinion that the house had not acted wisely in bringing up the matter at all at the present time²⁸⁵, [and] moreover, that in deciding on a permanent Seat of Government at this juncture, they were doing injustice to Lower Canada. But as the question of permanency had been affirmed, he hoped the motion about to be proposed by an hon. gentleman near him, that the question of locality should be left to the decision of the Queen in Council, would be carried.²⁸⁶

MR. POULIOT²⁸⁷ [OR] DR. POULIN declared that the members for Montreal had pretended a great deal of love for the city of Quebec, but that their conduct now was the best proof of their sincerity. Last year he approved of the alternate system, but if there must be a place fixed, Quebec²⁸⁸ possessed greater claims than any other city to the honor of being the capital of Canada²⁸⁹, in proof of which he went into a long account of the advantages of that city. Nevertheless, he should perhaps, if Quebec had no charm, vote for Montreal, if the people of Montreal only viewed honestly the words of the Quebec-backers. The truth was, however, that the treatment of Montreal members by the press of Montreal, did not lead to the opinion that the Quebecers would be much at home in their city. His own opinion was that the Quebecers must rely upon their own forces. He thought the best thing, if they could not get the Seat of Government at Quebec, was to address Her Majesty to ask her to fix the place.²⁹⁰

MR. CHABOT thought the sooner the vote was taken the better, as it would prevent recrimination.²⁹¹ [He] had always voted for the alternate system, as that in the meantime best adapted to the

interests of the people. The peculiar political condition of the Province, and the fact that but a few months since Parliament had determined to maintain the perambulating system, urged him to the vote he had taken. He thought Legislators had something else than beautiful scenery and magnificent water privileges to think of when attending to Parliamentary duties. In times of trouble, it was essential that Parliament should be assembled in a fortified city, and to that end he thought Quebec was the best that could be selected.²⁹² [But he] did not believe that any vote now would really settle the question, as it would again come up on the proposal to grant money for the necessary buildings²⁹³ and give rise to new agitation next session.²⁹⁴

MR. DUFRESNE despaired of a decision being arrived at. There was too much personal and local feeling mixed up with the question to lead us to hope for any decision.²⁹⁵ [He] was in favour of Montreal, but would vote for Quebec for the sake of establishing a permanent seat of government.²⁹⁶ [He] had warned the Quebec members that they would lose the Seat of Government by their conduct last year. They now saw what had taken place, and this not by any change of votes by Montreal members, nor by Quebec members, but by Upper Canadian members. This shewed the Quebec members what they had to expect in future.²⁹⁷ He thought they should vote for the city of Montreal, if Quebec was defeated, as the best means of keeping the seat of government in Lower Canada.²⁹⁸ In reply to Mr. Poulin, he said that the Quebec members seemed to have a great deal to say in the present Government. Well, perhaps if they shewed as great a dislike as some of them manifested to Montreal, it might be time for the members of Montreal to look alike into their conduct. He concluded by saying that the members of Montreal did not thank the members for Quebec for the support provided them by Mr. Poulin, if, as he said, they would give to Quebec an honest support.²⁹⁹

MR. MARCHILDON held Quebec to be the proper place for the Seat of Government, being in Lower Canada, a place where provisions were cheap, and which was the second Sebastopol for strength.³⁰⁰

MR. LARWILL moved in amendment, that no particular place should now be chosen, but that the matter be referred to the municipalities to give their opinion as to whether a permanent seat of government should be established or not, and if so, where? He contended that there had been no expression of public opinion, and that as most of the members resided either in Quebec, Montreal, Kingston or Toronto, and all their interests centered in one or other of those places, their opinions were not disinterested, and that, therefore, the voice of the people should be taken upon the question.³⁰¹ He had no faith in the power of the Press of the country; which he stated was subjected more or less to the influence of gentlemen in the House, and its opinion was no criterion to judge by. He contended that speculation alone argued a permanent seat of Government, and was sure that the people of the cities where it was proposed to establish it, looked upon it as a nuisance. No community having any respect for its moral character, would advocate — would wish the seat of Government to be established among them.³⁰² If a fixed place must be found, do as they did in Michigan, where they pitched on the middle of the State, which was also the middle of a bush, away from the influences which surrounded a Government wherever it was situated.³⁰³

MR. SICOTTE the SPEAKER ruled that the House had already declared for a permanent seat, and that the drift of this motion was for the same object; therefore it was out of order.³⁰⁴

MR. SOL. GEN. D. ROSS said, it was most extraordinary that no hon. member had moved in favour of the locality in which hon. members respectively resided. What they were bound in justice to do was to vote for that place which they thought to be most conducive to the interests of the whole Province. Being of this opinion he went for Quebec — (hear, hear,) — and for many reasons, not because he resided there, but he thought it was the safest Seat for the Government, especially in view of the breaking out of hostilities at any time either with the United States or any foreign power.³⁰⁵

MR. MACKENZIE said, it was absurd to talk about making Quebec the permanent Seat of Government, a place where nothing but bears and wolves (laughter) could be found. To go to such a place would be to locate in a wilderness, and what a pretty place was that for Parliament to be fixed in? (Laughter.) The Quebec people got a railroad there last year, and what was the consequence? Why their imports diminished one half. (Renewed laughter.) But he would inform the hon. gentleman who last spoke, that Upper Canadians would not be deceived, and be cheated out of their rights. By the Public Accounts it appeared that the net amount of revenue raised in Quebec in 1855 was £65,000 only, while in Toronto it was £147,000. (Hear, hear.) In Hamilton, once in his memory but a little village with a few shanties, £136,000. (Hear, hear.) Now was it not a most visionary idea to talk about erecting suitable Parliamentary buildings at such a poor, wretched place as Quebec. — Why London raised an amount of revenue last year of £23,988 (hear, hear,) half as much as Quebec, a village of lazy drones, (laughter,) and lazy priests in petticoats. (Laughter and sensation.) Yes, he was as glad to get out of the place as were the Children of Israel out of Egypt. (Great laughter.) Now Montreal raised £295,000 revenue last year, and three quarters of that was for goods which came to Upper Canada. (Oh! oh!) Yes, yes, and they wanted yet the much talked of Caughnawaga Canal, (hear, hear,) to help them on in this system. It was clear that even the little collected in that miserable city (order, order, hear, hear, hear) was small enough. One day it was crying out for Annexation, (cheers), the next day for burning the Parliament House. (Laughter.) It was indeed never contented. The very expense of collecting ... the revenue in the whole of Upper Canada was less than that for Montreal alone. To talk about placing the Permanent Seat of Government in the midst of deserts was ridiculous, where lands were sold for about a shilling an acre, and then had no buyers. (Laughter.) Last year but £3,375 came into the hands of the Receiver General for Lower Canada, while £63,193 was received for Upper Canada, and yet Upper Canadians were to be talked to about locating the Parliament at a miserable place like Quebec, where nobody would live if they could only get away from it. (Laughter.) Steam Tugs, Ocean Steamers, Light-houses were given to it, and £190,000 had been voted to these landing piers, and look at the small amount of duties which had been collected. The only place in Lower Canada that he could find where one penny had been collected was Rimouski, and that place just collected sufficient to pay the expense of collecting the revenue. The total collections of Customs Revenue for Upper Canada in 1855 was £716,000, while the miserable sum of £164,000 only was collected from Lower Canada, and yet they gave sixty-five votes to the sixty-five votes of Upper Canadians, and now talked about a Caughnawaga Canal. (Hear, hear.) If they had in Quebec more four wheeled waggons, and farmers, and fewer priests in petticoats it would be better for them, and until that was the case he would not advocate fixing Parliament there.³⁰⁶

MR. SICOTTE the SPEAKER said that there were four amendments, and he believed it would be his duty to explain to the House how the vote would be taken. The last motion submitted to the chair was the motion of Mr. Powell, in amendment to the motion of Mr. Lyon, that the word "Hamilton" be expunged, and "Quebec" substituted. The motion put to the House will be, whether "Quebec" be substituted instead of "Hamilton." Then the other amendments will follow in succession.³⁰⁷

The vote was then taken on Mr. Powell's amendment³⁰⁸.

(323)

Mr. *Patrick* moved in amendment to the Question, seconded by Mr. *Lyon*, That all the words after "That" to the end of the Question be left out, and the words "in the opinion of this House, the City of *Ottawa* is the most eligible place for the future Capital of *Canada*, and it is recommended that after 1859, the Parliament be permanently convened in that City, and that suitable buildings be forthwith commenced for the accommodation of the Legislature and Government" inserted instead thereof;

Mr. *Cooke* moved in amendment to the said proposed Amendment, seconded by Mr. *Yeilding*, That the word "*Ottawa*" be left out, and the word "*Montreal*" inserted instead thereof;

And Mr. *Crawford* moved in amendment to the last proposed Amendment, seconded by Mr. *Rhodes*, That the word "*Montreal*" be left out, and the word "*Kingston*" inserted instead thereof;

And Mr. *Rankin* moved in amendment to the last proposed Amendment, seconded by Mr. *Crawford*, That the word "*Kingston*" be left out, and the word "*Toronto*" inserted instead thereof;

And Mr. *Lyon* moved in amendment to the last proposed Amendment, seconded by Mr. *Supple*, That the word "*Toronto*" be left out, and the word "*Hamilton*" inserted instead thereof;

And Mr. *Powell* moved in amendment to the last proposed Amendment, seconded by Mr. *Yeilding*, That the word "*Hamilton*" be left out, and the word "*Quebec*" inserted instead thereof;

And the Question being put on the last proposed Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Alleyn*, *Bourassa*, *Bowes*, *Brodeur*, *Bureau*, *Cartier*, *Casault*, *Cauchon*, *Chabot*, *Chapais*, *Chisholm*, *Clarke*, *Charles Daoust*, *Jean B. Daoust*, *Darche*, *Desaulniers*, *DeWitt*, *Dionne*, *Jean B.E. Dorion*, *Antoine A. Dorion*, *Dostaler*, *Dufresne*, *Egan*, *Evanturel*, *Felton*, *Fergusson*, *Thomas Fortier*, *Octave C. Fortier*, *Fournier*, *Galt*, *Guévremont*, *Holton*, *Huot*, *Jackson*, *Jobin*, *Labelle*, *Laberge*, *Laporte*, *Larwill*, *LeBoutillier*, *Lemieux*, *Loranger*, *Lumsden*, *Macbeth*, *Marchildon*, *Masson*, *Meagher*, *Merritt*, *Mongenais*, *Joseph C. Morrison*, *Angus Morrison*, *O'Farrell*, *Papin*, *Polette*, *Pouliot*, *Powell*, *Prévost*, *Price*, *Rhodes*, *Solicitor General Ross*, *Stevenson*, *Supple*, *Taché*, *Terrill*, *Thibaudeau*, *Turcotte*, *Valois*, *Whitney*, *Yeilding*, and *Young*. — (70.)

(324)

NAYS.

Messieurs *Aikins*, *Bell*, *Biggar*, *Brown*, *Burton*, *Cameron*, *Cayley*, *Christie*, *Church*, *Conger*, *Cooke*, *Cook*, *Crawford*, *Crysler*, *Delong*, *Attorney General Drummond*, *Ferres*, *Ferrie*, *Foley*, *Frazer*, *Freeman*, *Gamble*, *Gill*, *Gould*, *Hartman*, *Lyon*, *John S. Macdonald*, *Attorney General Macdonald*, *Roderick McDonald*, *Mackenzie*, *McCann*, *Matheson*, *Mattice*, *Munro*, *Murney*, *Patrick*, *Poulin*, *Robinson*, *Rolph*, *Sanborn*, *Scatcherd*, *Shaw*, *Solicitor General Smith*, *Somerville*, *Spence*, and *Wright*. — (46.)

So it was resolved in the Affirmative.³⁰⁹

MR. SICOTTE the SPEAKER said, the motion before the House will, then, read thus: "Mr. Lyon moves that the word 'Toronto,' in the amendment, be expunged, and the words 'city of Quebec' be substituted in lieu thereof." The question is, shall the words "city of Quebec" be substituted?³¹⁰

MR. BROWN said, an onlooker might imagine, by the last vote, that the question had been decided in favour of Quebec. But, to relieve the minds of such parties, he would say there was not the slightest notion of having the seat of Government fixed at Quebec. (Hear, hear.) The question now to be put was for Quebec, instead of Toronto. If decided in the affirmative, that would not settle it for Quebec, but it would settle it against Toronto.³¹¹

MR. BOWES said that, if the original motion was finally carried, all those places lost now might be moved again.³¹²

(324)

And the Question being put on the Amendment as amended, That the word "*Toronto*" be left out, and the word "*Quebec*" inserted instead thereof; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Alleyn*, *Bourassa*, *Brodeur*, *Bureau*, *Cartier*, *Casault*, *Cauchon*, *Chabot*, *Chapais*, *Chisholm*, *Clarke*, *Cooke*, *Daly*, *Charles Daoust*, *Jean B. Daoust*, *Darche*, *Desaulniers*, *DeWitt*, *Dionne*, *Jean B.E. Dorion*, *Antoine A. Dorion*, *Dostaler*, *Dufresne*, *Egan*, *Evanturel*, *Felton*, *Fergusson*, *Thomas Fortier*, *Octave C. Fortier*, *Fournier*, *Galt*, *Gill*, *Guévremont*, *Holton*, *Huot*,

Jobin, Labelle, Laberge, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Macbeth, Marchildon, Masson, Meagher, Merritt, Mongenais, Joseph C. Morrison, Angus Morrison, O'Farrell, Papin, Polette, Pouliot, Powell, Prévost, Price, Rhodes, Solicitor General Ross, James Ross, Supple, Taché, Terrill, Thibaudeau, Turcotte, Valois, Whitney, Yeilding, and Young. — (71.)

NAYS.

Messieurs *Aikins, Bell, Biggar, Bowes, Brown, Burton, Cameron, Cayley, Christie, Church, Conger, Cook, Crawford, Cryslar, Delong, Attorney General Drummond, Ferres, Ferrie, Foley, Frazer, Freeman, Gamble, Gould, Hartman, Jackson, Lyon, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, Mackenzie, McCann, Matheson, Mattice, Munro, Murney, Niles, Patrick, Poulin, Rankin, Robinson, Roblin, Rolph, Sanborn, Scatcherd, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, and Wright.* — (50.)

So it was resolved in the Affirmative.

(325)

And the Question being put on the Amendment as amended, That the word "*Kingston*" be left out, and the word "*Quebec*" inserted instead thereof; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Alleyn, Bourassa, Brodeur, Bureau, Cartier, Casault, Cauchon, Chabot, Chapais, Clarke, Cooke, Charles Daoust, Jean B. Daoust, Darche, Desaulniers, DeWitt, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Egan, Evanturel, Felton, Fergusson, Thomas Fortier, Octave C. Fortier, Fournier, Galt, Gill, Guévremont, Holton, Huot, Jobin, Labelle, Laberge, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Marchildon, Masson, Meagher, Mongenais, Joseph C. Morrison, O'Farrell, Papin, Polette, Poulin, Pouliot, Powell, Prévost, Price, Rhodes, Solicitor General Ross, James Ross, Supple, Taché, Terrill, Thibaudeau, Turcotte, Valois, Whitney, Yeilding, and Young.* — (67.)

NAYS.

Messieurs *Aikins, Bell, Biggar, Bowes, Brown, Burton, Cameron, Cayley, Chisholm, Christie, Church, Conger, Cook, Crawford, Cryslar, Daly, Delong, Ferres, Ferrie, Foley, Frazer, Freeman, Gamble, Gould, Hartman, Jackson, Lumsden, Lyon, Macbeth, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, Mackenzie, McCann, Matheson, Mattice, Merritt, Angus Morrison, Munro, Murney, Niles, Patrick, Rankin, Robinson, Roblin, Rolph, Sanborn, Scatcherd, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, and Wright.* — (54.)

So it was resolved in the Affirmative.

And the Question being put on the Amendment as amended, That the word "*Montreal*" be left out, and the word "*Quebec*" inserted instead thereof; the House divided: and the names being called for, they were taken down, as follow: —

(325-326)

YEAS.

Messieurs *Alleyn, Biggar, Bowes, Burton, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Christie, Clarke, Conger, Cook, Crawford, Cryslar, Daly, Desaulniers, Dionne, Dostaler, Egan, Evanturel, Fergusson, Thomas Fortier, Octave C. Fortier, Fournier, Freeman, Gould, Hartman, Huot, Jackson, Larwill, LeBoutillier, Lemieux, Lumsden, Macbeth, Attorney General Macdonald, Mackenzie, Marchildon, Matheson, Meagher, Merritt, Joseph C. Morrison, Angus Morrison, Munro, Niles, O'Farrell, Polette, Pouliot, Powell, Price, Rhodes, Roblin, Rolph, Solicitor General Ross, James Ross, Scatcherd, Shaw, Solicitor General Smith, Spence, Stevenson, Taché, Thibaudeau, Turcotte, and Wright.* — (65.)

(326)

NAYS.

Messieurs *Aikins, Bell, Bourassa, Brodeur, Brown, Bureau, Cameron, Cartier, Church, Cooke, Charles Daoust, Jean B. Daoust, Darche, Delong, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Attorney General Drummond, Dufresne, Felton, Ferres, Ferrie, Foley, Frazer, Galt, Gamble, Gill, Guévremont, Holton, Jobin, Labelle, Laberge, Laporte, Loranger, Lyon, John S. Macdonald, Roderick McDonald, McCann, Masson, Mattice, Mongenais, Murney, Papin, Patrick, Poulin, Prévost, Rankin, Robinson, Sanborn, Somerville, Terrill, Valois, Whitney, Yeilding, and Young.* — (55.)

So it was resolved in the Affirmative.

On the motion that the word *Quebec* be substituted for *Ottawa*,³¹³

MR. POWELL said that, although the amendment in favour of Quebec was his own, he must vote against it, when pitted against Ottawa.³¹⁴ (Loud laughter.) Now that Ottawa had got rid of all her antagonists except Quebec, he felt it to be his duty to sacrifice a little of his consistency for the benefit of the place of his nativity. (Laughter.)³¹⁵ He might mention [that it] contained a population among whom the French Canadians would find many who spoke their language, and shared their sentiments.³¹⁶ Nor need he take stronger ground against his own motion than — ³¹⁷

CAPT. RHODES rose to a point of order. As the hon. member for Carleton had already informed them that he intended to vote against his own amendment, he (Mr. Rhodes) did not believe that hon. gentleman to be at liberty to speak against it too. (Loud laughter.)³¹⁸

(326) And the Question being put on the Amendment as amended, That the word "*Ottawa*" be left out, and the word "*Quebec*" inserted instead thereof; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Alleyn, Biggar, Bourassa, Brodeur, Bureau, Burton, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Christie, Clarke, Conger, Cook, Charles Daoust, Jean B. Daoust, Desaulniers, DeWitt, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Dufresne, Evanturel, Fergusson, Thomas Fortier, Octave C. Fortier, Fournier, Freeman, Gill, Gould, Guévremont, Huot, Jackson, Jobin, Labelle, Laberge, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Macbeth, Attorney General Macdonald, Marchildon, Masson, Meagher, Merritt, Mongenais, Joseph C. Morrison, Angus Morrison, Munro, Niles, O'Farrell, Papin, Polette, Pouliot, Prévost, Price, Rhodes, Roblin, Solicitor General Ross, James Ross, Sanborn, Scatcherd, Solicitor General Smith, Somerville, Spence, Stevenson, Taché, Terrill, Thibaudeau, Turcotte, and Valois.* — (77.)

(326-327)

NAYS.

Messieurs *Aikins, Bell, Bowes, Brown, Cameron, Cartier, Church, Cooke, Crawford, Cryslar, Daly, Delong, Attorney General Drummond, Egan, Felton, Ferres, Ferrie, Foley, Frazer, Galt, Gamble, Hartman, Holton, Lyon, John S. Macdonald, Roderick McDonald, Mackenzie, McCann, Matheson, Mattice, Murney, Patrick, Poulin, Powell, Rankin, Robinson, Rolph, Shaw, Supple, Whitney, Wright, Yeilding, and Young.* — (43.)

So it was resolved in the Affirmative.

(327)

And the Question being proposed on the Amendment to the original Question, as amended, That all the words after "That" to the end of the Question be left out, and the words "in the opinion of this House, the City of *Quebec* is the most eligible place for the future Capital of *Canada*, and it is recommended that after 1859 the Parliament be permanently convened in that City, and that suitable buildings be forthwith commenced for the accommodation of the Legislature and Government" inserted instead thereof;

MR. POWELL then moved in amendment that all after the words, "this House," in Mr. Patrick's motion, be struck out, and that it be substituted, that in the opinion of this House the Seat of Government should be permanently fixed in Upper Canada.³¹⁹

MR. MERRITT hoped that amendment would be withdrawn. It was futile.³²⁰ [He] hoped that the vote would be taken without any reference to national feeling. It was now a fair vote between Quebec and all Canada.³²¹

MR. MURNEY thought the amendment ought to be withdrawn. The hon. member who moved it had already given five votes in favour of Quebec, and his mind must be made up in favour of Quebec³²², — yet he now proposed to vote against it. The whole of the game that night, had, he considered, been one of chiselling. The question had not been met fairly and honestly.³²³

MR. POWELL thought those observations came with a bad grace from such an erratic hon. gentleman, as the member for Hastings. The course of the hon. gentlemen from Lower Canada had

been most inconsistent.³²⁴ He found hon. members from Lower Canada who were pledged to vote for Ottawa voting constantly in favour of Quebec, and he would not withdraw his motion on any consideration.³²⁵

MR. PAPIN said that several of the Ottawa members who had promised to vote for Montreal had voted for Quebec.³²⁶

MR. TERRILL said that it came with a bad grace from a member who had voted and spoken against his own motion, to taunt Lower Canada members with inconsistency.³²⁷

MR. LYON explained that he seconded the amendment because he wanted to test the sincerity of Upper Canada members, who had been all night in favor of fixing a permanent Seat of Government in Lower Canada.³²⁸

MR. AT. GEN. DRUMMOND would say, that if the amendment just proposed by the hon. member for Carleton, was in order, and was put to the House, he would vote for it. He had been always in favor of fixing the seat of government somewhere near the dividing line between Upper and Lower Canada. He would, therefore, wish to amend the motion by adding to it — “some place near the division line between Upper and Lower Canada.” He would state, however, that there was no place in all Canada which he would better like to reside in than Quebec. But it was his firm conviction, that the fixing of the seat of government at such a remote place as Quebec would have a most disastrous effect on the country; and would no doubt, be thereafter made an instrument in the hands of the hon. member for Toronto and others, to show that Lower Canada influence was paramount in the government. He hoped, therefore, that his amendment would be voted against by the House; and that the House would be allowed to come to the original motion, in order that they might have an opportunity of voting more in accordance with their feelings.³²⁹

The House then divided on Mr. Powell's amendment³³⁰, Mr. Drummond not putting any amendment³³¹.

(327)

Mr. *Powell* moved in amendment to the said Amendment, seconded by Mr. *Lyon*, That the words “in the opinion of this House, the City of *Quebec* is the most eligible place for the future Capital of *Canada*, and it is recommended that after 1859 the Parliament be permanently convened in that City, and that suitable buildings be forthwith commenced for the accommodation of the Legislature and Government” be left out, and the words “the Seat of Government be permanently fixed in *Upper Canada*” inserted instead thereof;

And the Question being put on the Amendment to the said proposed Amendment to the original Question, as amended; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bell, Biggar, Bowes, Brown, Burton, Cameron, Cayley, Chisholm, Christie, Church, Conger, Cook, Crawford, Crysler, Daly, Delong, Attorney General Drummond, Egan, Ferres, Ferrie, Foley, Frazer, Freeman, Gamble, Gould, Hartman, Jackson, Lumsden, Lyon, Macbeth, Attorney General Macdonald, Mackenzie, Matheson, Joseph C. Morrison, Angus Morrison, Munro, Niles, Patrick, Powell, Rankin, Robinson, Roblin, Rolph, James Ross, Scatcherd, Shaw, Solicitor General Smith, Spence, Stevenson, Supple, Wright, and Yeilding.* — (53.)

NAYS.

Messieurs *Alley, Bourassa, Brodeur, Bureau, Cartier, Casault, Cauchon, Chabot, Chapais, Clarke, Cooke, Charles Daoust, Jean B. Daoust, Darche, Desaulniers, DeWitt, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Dufresne, Evanturel, Felton, Fergusson, Thomas Fortier, Octave C. Fortier, Fournier, Galt, Gill, Guévremont, Holton, Huot, Jobin, Labelle, Laberge, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, John S. Macdonald, Roderick McDonald, McCann, Marchildon, Masson, Mattice, Meagher, Mongenais, Murney, O'Farrell, Papin, Polette,*

Poulin, Pouliot, Prévost, Price, Rhodes, Solicitor General Ross, Sanborn, Somerville, Taché, Terrill, Thibaudeau, Turcotte, Valois, Whitney, and Young. — (67.)

So it passed in the Negative.

(328)

And the Question being put on the Amendment to the original Question as amended; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs Alley, Biggar, Bowes, Brodeur, Burton, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Clarke, Conger, Cook, Crawford, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Evanturel, Fergusson, Thomas Fortier, Octave C. Fortier, Fournier, Gould, Guévremont, Huot, Jackson, Labelle, Laberge, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Macbeth, Attorney General Macdonald, Marchildon, Masson, Meagher, Joseph C. Morrison, Angus Morrison, Niles, O'Farrell, Papin, Polette, Pouliot, Price, Rankin, Rhodes, Roblin, Solicitor General Ross, James Ross, Scatcherd, Solicitor General Smith, Spence, Stevenson, Taché, Thibaudeau, and Turcotte. — (61.)

NAYS.

Messieurs Aikins, Bell, Bourassa, Brown, Bureau, Cameron, Cartier, Christie, Church, Cooke, Charles Daoust, Darche, Delong, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Attorney General Drummond, Dufresne, Egan, Felton, Ferres, Ferrie, Foley, Frazer, Freeman, Galt, Gamble, Gill, Hartman, Holton, Jobin, Laporte, Lyon, John S. Macdonald, Roderick McDonald, Mackenzie, McCann, Matheson, Mattice, Merritt, Mongenais, Munro, Murney, Patrick, Poulin, Powell, Prévost, Robinson, Rolph, Sanborn, Shaw, Somerville, Supple, Terrill, Valois, Whitney, Wright, Yeilding, and Young. — (59.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being proposed;

MR. BROWN said he thought it was full time that this farce should come to an end. (Hear, hear.) And he rose now to secure that end by moving the previous question. (Oh! oh!)³³² It was evident that the members had not been voting according to any principle.³³³ The only proposition which could now be put to the house was this, "Shall the permanent Seat of Government be fixed at Quebec?" (Hear, hear.) He did not think it necessary to enlarge upon this question. Hon. gentlemen must see that in the present state of this country, and considering the number of important issues before Parliament that it would be altogether inexpedient to choose as the permanent Seat of the Legislature and Government (oh! oh! yes!) a city 600 miles to the eastward of the centre of population of United Canada. The hon. member for Montmorenci cried "oh! oh!," but he begged to call the hon. member's attention to this point in the vote he was about to give. It was one thing for Upper Canadians to go back to Quebec for four years upon the alternate system, but it was quite a different thing to go down there permanently under all the influences which pervaded that city. — (Hear, hear.) Does the hon. Commissioner of Crown Lands think it would be fair to keep it in Toronto permanently? The hon. member would not say so; then how could he vote to take the Parliament down to Quebec for a permanency?³³⁴ If that was decided in the affirmative, it would have a most injurious effect upon the best interests of the country. There were many great measures to be brought forward which would require a United Government to carry through; and if they decided to fix the seat of Government in the frozen regions of Quebec, it would tend to create a disaffection that would not easily subside.³³⁵ To hon. members from Upper Canada he would say, look at the Public Accounts laid before the house this night, and observe the immense proportion of Customs Revenue derived from Upper Canada to that of Lower Canada, and you will never vote for Quebec as the permanent seat. — (Hear, hear.) If they looked to the future advantage of the country, or even at its present state, such a decision would be most unfair and inexpedient. He moved the previous question.³³⁶

(328)

Mr. Brown moved, seconded by Mr. Aikins, and the Previous Question being proposed, That that Question be now put;

And a Debate arising thereupon;

MR. J.S. MACDONALD moved an adjournment amid great confusion.³³⁷

MR. COM. CR. LANDS CAUCHON replied to the remarks of Mr. Brown, and thought that if the hon. member voted for Quebec this moment, it would serve better the wishes of the hon. member for Lambton than any vote that could be given.³³⁸

MR. A. DORION moved the adjournment of the debate, and the fixing of it as the first Order of the Day to-morrow.³³⁹ (No, no, and other cries.)³⁴⁰

MR. SICOTTE the SPEAKER put the motion to adjourn the debate³⁴¹.

(328) Mr. *Antoine Aimé Dorion* moved, seconded by Mr. *Galt*, and the Question being put, That the Debate be adjourned until To-morrow, and be then the first Order of the day; the House divided: and the names being called for, they were taken down, as follow: —

(328-329) YEAS.

Messieurs *Bourassa, Brodeur, Bureau, Cartier, Cooke, Charles Daoust, Jean B. Daoust, DeWitt, Antoine A. Dorion, Attorney General Drummond, Dufresne, Egan, Felton, Ferres, Galt, Gill, Guévremont, Holton, Jobin, Labelle, Laberge, Laporte, Lyon, John S. Macdonald, Roderick McDonald, McCann, Mattice, Angus Morrison, Papin, Patrick, Poulin, Prévost, Rankin, Sanborn, Somerville, Stevenson, Supple, Valois, Yeilding, and Young.* — (40.)

(329) NAYS.

Messieurs *Aikins, Alleyn, Bell, Biggar, Bowes, Brown, Burton, Cameron, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Christie, Church, Clarke, Conger, Cook, Crawford, Crysler, Daly, Delong, Dionne, Jean B.E. Dorion, Dostaler, Evanturel, Fergusson, Ferrie, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Frazer, Freeman, Gamble, Gould, Hartman, Huot, Jackson, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Macbeth, Attorney General Macdonald, Mackenzie, Marchildon, Masson, Matheson, Meagher, Merritt, Mongenais, Joseph C. Morrison, Munro, Murney, Niles, O'Farrell, Polette, Pouliot, Powell, Price, Rhodes, Roblin, Rolph, Solicitor General Ross, James Ross, Scatcherd, Shaw, Solicitor General Smith, Spence, Taché, Terrill, Thibaudeau, Turcotte, Whitney, and Wright.* — (78.)

So it passed in the Negative.

MR. SICOTTE the SPEAKER said, the motion of the Attorney-General Drummond had been amended by the motion declaring the city of Quebec the most eligible place for the seat of Government. To this main question, the previous question had been moved, and the vote would be taken on that.³⁴²

MR. FELTON then moved the adjournment of the House but subsequently withdrew it.³⁴³

MR. BROWN [had] moved the previous question, but would not be allowed to explain it.³⁴⁴

MR. GAMBLE then rose and briefly explained that if the votes on the previous questions [sic] were carried, they could then decide as to whether Quebec should be the Seat of Government or not.³⁴⁵

MR. POWELL again moved an amendment³⁴⁶.

MR. SICOTTE the SPEAKER declared [it] to be out of order.³⁴⁷

The main question was then put and carried by an immense majority.³⁴⁸

(329) And the Previous Question being put, That that Question be now put; the House divided: — And it was resolved in the Affirmative.

MR. A. DORION moved the adjournment of the debate, and that the debate be resumed to-morrow.³⁴⁹

MR. CAMERON. — That is not in order.³⁵⁰

MR. SICOTTE the SPEAKER ruled it out of order.... The question is on the motion whether the city of Quebec is the most eligible place for the seat of Government.³⁵¹

(329)

Then the main Question, so amended, being put, That in the opinion of this House, the City of *Quebec* is the most eligible place for the future Capital of *Canada*, and it is recommended that after 1859 the Parliament be permanently convened in that City, and that suitable buildings be forthwith commenced for the accommodation of the Legislature and Government; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Alley*, *Bourassa*, *Brodeur*, *Bureau*, *Cartier*, *Casault*, *Cauchon*, *Chabot*, *Chapais*, *Clarke*, *Cooke*, *Charles Daoust*, *Jean B. Daoust*, *Darche*, *Desaulniers*, *DeWitt*, *Dionne*, *Jean B.E. Dorion*, *Antoine A. Dorion*, *Dostaler*, Attorney General *Drummond*, *Dufresne*, *Egan*, *Evanturel*, *Felton*, *Thomas Fortier*, *Octave C. Fortier*, *Fournier*, *Galt*, *Gill*, *Guévremont*, *Huot*, *Jobin*, *Labelle*, *Laberge*, *Laporte*, *Larwill*, *LeBoutillier*, *Lemieux*, *Loranger*, *Lyon*, *John S. Macdonald*, *Roderick McDonald*, *Marchildon*, *Masson*, *Mattice*, *Meagher*, *Mongenais*, *O'Farrell*, *Papin*, *Polette*, *Poulin*, *Pouliot*, *Powell*, *Prévost*, *Price*, Solicitor General *Ross*, *Supple*, *Taché*, *Thibaudeau*, *Turcotte*, *Valois*, *Whitney*, and *Yeilding*. — (64.)

(329-330)

NAYS.

Messieurs *Aikins*, *Bell*, *Biggar*, *Bowes*, *Brown*, *Burton*, *Cameron*, *Cayley*, *Chisholm*, *Christie*, *Church*, *Conger*, *Cook*, *Crawford*, *Crysler*, *Daly*, *Delong*, *Fergusson*, *Ferres*, *Ferrie*, *Foley*, *Frazer*, *Freeman*, *Gamble*, *Gould*, *Hartman*, *Holton*, *Jackson*, *Lumsden*, *Macbeth*, Attorney General *Macdonald*, *Mackenzie*, *McCann*, *Matheson*, *Merritt*, *Joseph C. Morrison*, *Angus Morrison*, *Munro*, *Murney*, *Niles*, *Patrick*, *Rankin*, *Robinson*, *Roblin*, *Rolph*, *James Ross*, *Sanborn*, *Scatcherd*, *Shaw*, Solicitor General *Smith*, *Somerville*, *Spence*, *Stevenson*, *Terrill*, *Wright*, and *Young*. — (56.)

So it was resolved in the Affirmative.³⁵²

A discussion arose as to the admissibility of Mr. Dorion's motion.³⁵³

MR. SICOTTE the SPEAKER decided it was in order according to the rules of the house.³⁵⁴

MR. FELTON said he could not help congratulating his Quebec friends on the result, for which they might thank the hon. member for Lambton.³⁵⁵

MR. BROWN said that he and his friends who took the same view as he did, were better satisfied that the question should be put upon the footing of having the permanent Seat of Government at Quebec, than at any other place in Lower Canada. The question was thus put in the strongest possible light. (Hear, hear.) But, if the Government came down and asked the house to vote £200,000 or £300,000 for public edifices at Quebec, as a permanent Seat of Government, they would thereby bring another important question to an issue, which had been coming on for some time.³⁵⁶

MR. CAMERON thought that, before the house adjourned, the Attorney General West and the hon. member for Essex should be required in the presence of the house to state that no further proceedings should be taken by one or other of them, in consequence of the words that fell from the member of Essex in the early part of the evening.³⁵⁷

MR. LARWILL thought the House should do nothing of the kind. He thought the country had suffered quite enough already on their account³⁵⁸ [and that] the gentlemen should be allowed to pursue their own course. The house seems to think a good deal more of them than the country does. The best way is to let them go to work and maul each other as they please. (Laughter.)³⁵⁹

MR. SANBORN said, unless the House thought something was done to their own dignity, he did not see that any action at all was required.³⁶⁰

MR. AT. GEN. DRUMMOND felt quite confident that no person in this House regretted more than the hon. member for Essex the expressions he made use of in a moment of irritation.³⁶¹ [He] hoped that the hon. gentleman ... would explain that his chivalrous feelings had led him beyond proper bounds, and that he would express his regret for the language he had made use of.³⁶²

MR. RANKIN.— I am not disposed to express any regret, since I cannot say with sincerity that I entertain any regret.³⁶³

MR. SICOTTE the SPEAKER. — The hon. member has used expressions, that at all events should not have been used upon the floor of this House. At 6 o'clock when I called him to order I was in doubt, whether I ought not at once to have required him to apologize to the House; but as by the rule of the House, I was obliged to leave the House at 6 o'clock, I did so, expecting the hon. member would be in his place at the usual hour, so as to answer what would be required from him by the House.³⁶⁴ If the hon. member for Essex considered any of the remarks offered by the Attorney General West were derogatory to his character as a gentleman, probably the Attorney General West would be ready to make explanations, and then the hon. member would probably be in a position himself to say that the words he made use of should not have been uttered by him, and make an apology to the house. He thought it was necessary that the member for Essex should at least express himself in such a way as to satisfy the feeling of the house.³⁶⁵

MR. J.S. MACDONALD said there had been no words taken down on which the action of the house could be founded, but what the hon. member for Essex had just said had only aggravated the case. He thought it necessary that, out of respect for this house, the hon. gentlemen should rise in their places and say they acquiesced in what had been put from the chair³⁶⁶, that no further proceedings should take place.³⁶⁷

MR. RANKIN. — I can assure you, Mr. Speaker, that I have not a moment's hesitation in apologizing to the house, if I have departed from the rules required by this house. If I have done anything which is an outrage on the dignity or privileges of the house, I express my regret for having done so. But I cannot express any regret³⁶⁸ at the language³⁶⁹ — (cries of order, order, prevented the hon. member from finishing the sentence.)³⁷⁰

MR. SICOTTE the SPEAKER. — Order.³⁷¹

MR. CAMERON. — If no pledge is to be given by one gentleman or the other, it only remains for any person who may choose to take the course which the law points out.³⁷² There remains no further course for the House, and under the circumstances I move [that] the House do now adjourn.³⁷³

MR. AT. GEN. DRUMMOND, before the house adjourned, wished to move that an humble Address be presented to his Excellency, founded on the resolutions relative to the Seat of Government.³⁷⁴

MR. BROWN. — Let there be a notice of that. We must have a debate upon it. (Hear, hear.)³⁷⁵

MR. AT. GEN. DRUMMOND did not press the notice. As to the other matter, however, he did not think the hon. gentleman [sic] should be allowed to withdraw without a pledge that no further proceedings would be taken by either party.³⁷⁶

MR. SICOTTE the SPEAKER. — I must convey to the two hon. members the desire expressed by different members of the house, that some pledge should be given, or some declaration that will be satisfactory to the house, that they will not infringe the rules of the house.³⁷⁷

MR. RANKIN. — I am perfectly willing to promise. I have no grievance to complain of, and am satisfied to give my word that I shall take no further proceedings.³⁷⁸

MR. AT. GEN. J.A. MACDONALD. — I had the satisfaction of hearing you, Mr. Speaker, say that in anything I said in the debate,³⁷⁹ I had infringed no rules of this House, that I kept within the rules of Parliamentary order. It is highly satisfactory to me that you should have said so³⁸⁰, and I have to say that I shall take no further notice of what has passed. (Cheers, and cries of oh! oh!)³⁸¹

The motion for adjournment was then carried³⁸².

(330)

Then, on motion of the Honorable Mr. *Cameron*, seconded by Mr. *Gamble*,
The House adjourned.

Appendix

[QUESTION & ANSWER RE: TRADE AND NAVIGATION RETURNS.]

MR. BROWN inquired if the Inspector General would bring down these returns, and when?³⁸³

MR. INSP. GEN. CAYLEY said, in a day or two — They were almost ready. They were not yet completed.³⁸⁴

Footnotes

1. *Globe*, 17 April 1856.
2. *Toronto Daily Leader*, 17 April 1856.
3. *Globe*, 17 April 1856.
4. *Toronto Daily Leader*, 17 April 1856.
5. *Globe*, 17 April 1856.
6. *Toronto Daily Leader*, 17 April 1856.
7. *Ibid.*
8. *Ibid.*
9. *Ibid.*
10. *Ibid.*
11. *Globe*, 17 April 1856.
12. *Ibid.*
13. *Ibid.*
14. *Toronto Daily Leader*, 17 April 1856.
15. *Globe*, 17 April 1856.
16. *Toronto Daily Leader*, 17 April 1856.
17. *Ibid.*
18. *Globe*, 17 April 1856.
19. *Toronto Daily Leader*, 17 April 1856.
20. *Ibid.*
21. *Ibid.*
22. *Globe*, 17 April 1856.
23. *Toronto Daily Leader*, 17 April 1856.

24. *Globe*, 17 April 1856.
25. *Toronto Daily Leader*, 17 April 1856.
26. *Ibid.*
27. *Globe*, 17 April 1856.
28. *Toronto Daily Leader*, 17 April 1856.
29. *Globe*, 17 April 1856.
30. *Toronto Daily Leader*, 17 April 1856.
31. *Globe*, 17 April 1856.
32. *Toronto Daily Leader*, 17 April 1856.
33. *Globe*, 17 April 1856.
34. *Toronto Daily Leader*, 17 April 1856.
35. *Globe*, 17 April 1856.
36. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
37. *Globe*, 17 April 1856.
38. *Toronto Daily Leader*, 17 April 1856.
39. *Ibid.*
40. *Globe*, 17 April 1856.
41. *Ibid.*
42. *Ibid.*
43. *Toronto Daily Leader*, 17 April 1856.
44. *Ibid.*
45. *Globe*, 17 April 1856.
46. *Ibid.*
47. *Ibid.*
48. *Ibid.*
49. *Toronto Daily Leader*, 17 April 1856.
50. *Ibid.*
51. *Globe*, 17 April 1856.
52. *Ibid.*
53. *Toronto Daily Leader*, 17 April 1856.
54. *Ibid.*
55. *Globe*, 17 April 1856.
56. *Toronto Daily Leader*, 17 April 1856.
57. *Globe*, 17 April 1856.
58. *Toronto Daily Leader*, 17 April 1856.
59. *Toronto Daily Leader*, 17 April 1856. This newspaper does not specify whether the speaker was Mr. J.A. Macdonald or Mr. J.S. Macdonald. No other newspaper reports this statement.
60. *Toronto Daily Leader*, 17 April 1856.
61. *Ibid.*
62. *Globe*, 17 April 1856.
63. *Ibid.*
64. *Toronto Daily Leader*, 17 April 1856.
65. *Globe*, 17 April 1856.
66. *Ibid.*
67. *Montreal Gazette*, 18 April 1856.
68. *Toronto Daily Leader*, 17 April 1856.
69. *Globe*, 17 April 1856.
70. *Toronto Daily Leader*, 17 April 1856.
71. *Globe*, 17 April 1856.
72. *Toronto Daily Leader*, 17 April 1856.
73. *Globe*, 17 April 1856.
74. *Toronto Daily Leader*, 17 April 1856.
75. *Globe*, 17 April 1856.
76. *Toronto Daily Leader*, 17 April 1856.
77. *Globe*, 17 April 1856.
78. *Toronto Daily Leader*, 17 April 1856.
79. *Globe*, 17 April 1856.

80. *Toronto Daily Leader*, 17 April 1856.
81. *Ibid.*
82. *Ibid.*
83. *Globe*, 17 April 1856.
84. *Ibid.*
85. *Toronto Daily Leader*, 17 April 1856.
86. *Globe*, 17 April 1856.
87. *Toronto Daily Leader*, 17 April 1856.
88. *Globe*, 17 April 1856.
89. *Toronto Daily Leader*, 17 April 1856.
90. *Ibid.*
91. *Ibid.*
92. *Globe*, 17 April 1856.
93. *Ibid.*
94. *Ibid.*
95. *Ibid.*
96. *Toronto Daily Leader*, 17 April 1856.
97. *Globe*, 17 April 1856.
98. *Montreal Gazette*, 18 April 1856.
99. *Toronto Daily Leader*, 17 April 1856.
100. *Globe*, 17 April 1856.
101. *Montreal Gazette*, 18 April 1856.
102. *Globe*, 17 April 1856.
103. *Toronto Daily Leader*, 17 April 1856.
104. *Globe*, 17 April 1856.
105. *Toronto Daily Leader*, 17 April 1856.
106. *Ibid.*
107. *Globe*, 17 April 1856.
108. *Toronto Daily Leader*, 17 April 1856.
109. *Ibid.*
110. *Ibid.*
111. *Ibid.*
112. *Ibid.*
113. *Ibid.*
114. *Ibid.*
115. *Ibid.*
116. *Globe*, 17 April 1856.
117. *Ibid.*
118. *Ibid.*
119. *Toronto Daily Leader*, 17 April 1856.
120. *Globe*, 17 April 1856.
121. *Toronto Daily Leader*, 17 April 1856.
122. *Globe*, 17 April 1856.
123. *Toronto Daily Leader*, 17 April 1856.
124. *Globe*, 17 April 1856.
125. *Toronto Daily Leader*, 17 April 1856.
126. *Globe*, 17 April 1856.
127. *Ibid.*
128. *Toronto Daily Leader*, 17 April 1856.
129. *Montreal Gazette*, 18 April 1856.
130. *Ibid.*
131. *Globe*, 17 April 1856.
132. *Montreal Gazette*, 18 April 1856.
133. *Toronto Daily Leader*, 17 April 1856.
134. *Ibid.*
135. *Globe*, 17 April 1856.
136. *Ibid.*

137. *Globe*, 17 April 1856.
138. *Ibid.*
139. *Toronto Daily Leader*, 17 April 1856.
140. *Globe*, 17 April 1856.
141. *Montreal Gazette*, 18 April 1856.
142. *Globe*, 17 April 1856.
143. *Ibid.*
144. *Ibid.*
145. *Ibid.*
146. *Toronto Daily Leader*, 17 April 1856.
147. *Globe*, 17 April 1856.
148. *Toronto Daily Leader*, 17 April 1856.
149. *Montreal Gazette*, 18 April 1856.
150. *Toronto Daily Leader*, 17 April 1856.
151. *Globe*, 17 April 1856.
152. *Toronto Daily Leader*, 17 April 1856.
153. *Globe*, 17 April 1856. In a commentary, this newspaper remarks that "Mr. Attorney General Macdonald rose in a state of extreme excitement".
154. *Montreal Gazette*, 18 April 1856.
155. *Toronto Daily Leader*, 17 April 1856. In a commentary, *Globe*, 17 April 1856, reports that Mr. J.A. Macdonald "indulged in the most insulting allusions to Mr. Rankin's well-known visit to England some years ago with a party of Ojibbeway [sic] Indians." *Montreal Gazette*, 23 April 1856, in a commentary, also notes that Mr. Macdonald replied to Mr. Rankin in a "very sarcastic fashion, and made an unfortunate reference to Mr. Rankin's knowledge of the business of shows".
156. *Montreal Gazette*, 18 April 1856.
157. *Toronto Daily Leader*, 17 April 1856.
158. *Globe*, 17 April 1856.
159. *Montreal Gazette*, 18 April 1856.
160. *Toronto Daily Leader*, 17 April 1856.
161. *Globe*, 17 April 1856.
162. *Toronto Daily Leader*, 17 April 1856.
163. *Globe*, 17 April 1856.
164. *Toronto Daily Leader*, 17 April 1856.
165. *Montreal Gazette*, 18 April 1856.
166. *Globe*, 17 April 1856.
167. *Toronto Daily Leader*, 17 April 1856.
168. *Montreal Gazette*, 18 April 1856.
169. *Toronto Daily Leader*, 17 April 1856. In a commentary, this newspaper specifies that Mr. Rankin was "called to order by the Speaker". *Globe*, 17 April 1856, in its commentary on the feud between the two gentlemen, notes that "Mr. Rankin spoke in a firm, distinct tone, and as the house listened breathlessly to every syllable, the last words fell with thrilling effect on the Assembly — and with the more effect that the hour of six cut them short and stopped debate." *Montreal Gazette*, 23 April 1856, also in a commentary, reports that Mr. Rankin "rose as soon as opportunity was given him, and deliberately and with wonderful coolness insulted the Attorney General".
170. *Toronto Daily Leader*, 17 April 1856.
171. *Ibid.*
172. *Montreal Gazette*, 18 April 1856.
173. *Globe*, 17 April 1856. In a commentary, *Montreal Gazette*, 23 April 1856, reports that "it was feared a duel might arise. It was clear that Mr. Rankin had sought to provoke one. But several persons were on the look out to prevent it. As soon as the House met the Speaker took notice of it".
174. *Globe*, 17 April 1856.
175. *Ibid.*
176. *Toronto Daily Leader*, 17 April 1856.
177. *Globe*, 17 April 1856.
178. *Toronto Daily Leader*, 17 April 1856.
179. *Globe*, 17 April 1856.
180. *Ibid.*
181. *Ibid.*
182. *Toronto Daily Leader*, 17 April 1856.

183. *Globe*, 17 April 1856.
184. *Ibid.*
185. *Ibid.*
186. *Globe*, 17 April 1856. This newspaper notes that Mr. Murney spoke "from the desk occupied by Mr. A.A. Dorion."
187. *Globe*, 17 April 1856.
188. *Ibid.*
189. *Toronto Daily Leader*, 17 April 1856.
190. *Globe*, 17 April 1856.
191. *Toronto Daily Leader*, 17 April 1856.
192. *Globe*, 17 April 1856.
193. *Toronto Daily Leader*, 17 April 1856.
194. *Globe*, 17 April 1856.
195. *Toronto Daily Leader*, 17 April 1856.
196. *Globe*, 17 April 1856.
197. *Ibid.*
198. *Ibid.*
199. *Toronto Daily Leader*, 17 April 1856.
200. *Globe*, 17 April 1856.
201. *Ibid.*
202. *Toronto Daily Leader*, 17 April 1856.
203. *Globe*, 17 April 1856.
204. *Ibid.*
205. *Ibid.*
206. *Toronto Daily Leader*, 17 April 1856.
207. *Globe*, 17 April 1856.
208. *Ibid.*
209. *Toronto Daily Leader*, 17 April 1856.
210. *Globe*, 17 April 1856.
211. *Toronto Daily Leader*, 17 April 1856.
212. *Globe*, 17 April 1856.
213. *Toronto Daily Leader*, 17 April 1856.
214. *Globe*, 17 April 1856.
215. *Toronto Daily Leader*, 17 April 1856.
216. *Globe*, 17 April 1856.
217. *Ibid.*
218. *Ibid.*
219. *Toronto Daily Leader*, 17 April 1856.
220. *Globe*, 17 April 1856.
221. *Ibid.*
222. *Toronto Daily Leader*, 17 April 1856.
223. *Globe*, 17 April 1856.
224. *Toronto Daily Leader*, 17 April 1856.
225. *Globe*, 17 April 1856.
226. *Ibid.*
227. *Toronto Daily Leader*, 17 April 1856.
228. *Globe*, 17 April 1856.
229. *Toronto Daily Leader*, 17 April 1856.
230. *Globe*, 17 April 1856.
231. *Ibid.*
232. *Ibid.*
233. *Toronto Daily Leader*, 17 April 1856.
234. *Globe*, 17 April 1856.
235. *Ibid.*
236. *Montreal Gazette*, 18 April 1856.
237. *Globe*, 17 April 1856.
238. *Montreal Gazette*, 18 April 1856.
239. *Toronto Daily Leader*, 17 April 1856.

240. *Globe*, 17 April 1856.
241. *Ibid.*
242. *Toronto Daily Leader*, 17 April 1856.
243. *Globe*, 17 April 1856.
244. *Globe*, 17 April 1856. In a commentary, this newspaper reports that by then Mr. Rankin was back in the House and that "both gentlemen pledged themselves not to leave the chamber, and the matter dropped for the time." No other newspaper reports such information.
245. *Globe*, 17 April 1856.
246. *Montreal Gazette*, 18 April 1856.
247. *Globe*, 17 April 1856.
248. *Toronto Daily Leader*, 17 April 1856.
249. *Globe*, 17 April 1856.
250. *Toronto Daily Leader*, 17 April 1856.
251. *Globe*, 17 April 1856.
252. *Montreal Gazette*, 18 April 1856.
253. *Globe*, 17 April 1856.
254. *Ibid.*
255. *Montreal Gazette*, 18 April 1856.
256. *Ibid.*
257. *Toronto Daily Leader*, 17 April 1856.
258. *Globe*, 17 April 1856.
259. *Montreal Gazette*, 18 April 1856.
260. *Ibid.*
261. *Globe*, 17 April 1856.
262. *Ibid.*
263. *Montreal Gazette*, 18 April 1856.
264. *Toronto Daily Leader*, 17 April 1856.
265. *Globe*, 17 April 1856.
266. *Toronto Daily Leader*, 17 April 1856.
267. *Globe*, 17 April 1856.
268. *Ibid.*
269. *Ibid.*
270. *Toronto Daily Leader*, 17 April 1856.
271. *Globe*, 17 April 1856.
272. *Toronto Daily Leader*, 17 April 1856.
273. *Montreal Gazette*, 18 April 1856.
274. *Toronto Daily Leader*, 17 April 1856.
275. *Globe*, 17 April 1856.
276. *Montreal Gazette*, 18 April 1856.
277. *Toronto Daily Leader*, 17 April 1856.
278. *Ibid.*
279. *Globe*, 17 April 1856.
280. *Toronto Daily Leader*, 17 April 1856.
281. *Montreal Gazette*, 18 April 1856.
282. *Toronto Daily Leader*, 17 April 1856.
283. *Montreal Gazette*, 18 April 1856.
284. *Toronto Daily Leader*, 17 April 1856.
285. *Globe*, 17 April 1856.
286. *Toronto Daily Leader*, 17 April 1856.
287. *Globe*, 17 April 1856. *Toronto Daily Leader*, 17 April 1856, concurs with this newspaper and reports that Mr. Pouliot spoke.
288. *Montreal Gazette*, 18 April 1856.
289. *Toronto Daily Leader*, 17 April 1856.
290. *Montreal Gazette*, 18 April 1856.
291. *Ibid.*
292. *Toronto Daily Leader*, 17 April 1856.
293. *Globe*, 17 April 1856.

294. *Montreal Gazette*, 18 April 1856.
295. *Toronto Daily Leader*, 17 April 1856.
296. *Globe*, 17 April 1856.
297. *Montreal Gazette*, 18 April 1856.
298. *Toronto Daily Leader*, 17 April 1856.
299. *Montreal Gazette*, 18 April 1856.
300. *Ibid.*
301. *Globe*, 17 April 1856.
302. *Toronto Daily Leader*, 17 April 1856.
303. *Montreal Gazette*, 18 April 1856.
304. *Toronto Daily Leader*, 17 April 1856.
305. *Globe*, 17 April 1856. According to *Montreal Gazette*, 18 April 1856, Mr. D. Ross made "a very long speech which was finished apparently in disgust at a continual drumming maintained throughout."
306. *Globe*, 17 April 1856.
307. *Ibid.*
308. *Ibid.*
309. *Globe*, 17 April 1856, *Toronto Daily Leader*, 17 April 1856, and *Perth Courier*, 25 April 1856, all report the division was 69 Yeas to 47 Nays. *Globe*, 17 April 1856, the only newspaper listing this division, reports that Mr. Terrill voted Nay, whereas *Journals* report he voted Yea.
310. *Globe*, 17 April 1856.
311. *Ibid.*
312. *Ibid.*
313. *Toronto Daily Leader*, 17 April 1856.
314. *Globe*, 17 April 1856.
315. *Toronto Daily Leader*, 17 April 1856.
316. *Globe*, 17 April 1856.
317. *Toronto Daily Leader*, 17 April 1856.
318. *Ibid.*
319. *Ibid.*
320. *Ibid.*
321. *Globe*, 17 April 1856.
322. *Ibid.*
323. *Toronto Daily Leader*, 17 April 1856.
324. *Ibid.*
325. *Globe*, 17 April 1856.
326. *Ibid.*
327. *Ibid.*
328. *Toronto Daily Leader*, 17 April 1856.
329. *Ibid.*
330. *Ibid.*
331. *Globe*, 17 April 1856.
332. *Ibid.*
333. *Toronto Daily Leader*, 17 April 1856.
334. *Globe*, 17 April 1856.
335. *Toronto Daily Leader*, 17 April 1856.
336. *Globe*, 17 April 1856.
337. *Ibid.*
338. *Ibid.*
339. *Toronto Daily Leader*, 17 April 1856.
340. *Globe*, 17 April 1856.
341. *Ibid.*
342. *Ibid.*
343. *Toronto Daily Leader*, 17 April 1856.
344. *Ibid.*
345. *Ibid.*
346. *Montreal Gazette*, 18 April 1856.
347. *Perth Courier*, 25 April 1856.

348. *Toronto Daily Leader*, 17 April 1856.
349. *Globe*, 17 April 1856.
350. *Ibid.*
351. *Ibid.*
352. *Montreal Gazette*, 18 April 1856, and *Le Pays*, 26 April 1856, both concur with the *Journals* in their listed division, whereas *Globe*, 17 April 1856, and *Perth Courier*, 25 April 1856, report that Dr. Cook voted Yea, and Mr. Cooke, Nay.
353. *Globe*, 17 April 1856.
354. *Ibid.*
355. *Ibid.*
356. *Ibid.*
357. *Globe*, 17 April 1856. According to *Toronto Daily Leader*, 17 April 1856, and *Western Planet*, 24 April 1856, this final discussion regarding the altercation between Messrs. Rankin and J.A. Macdonald occurred "at past 1 o'clock in the morning".
358. *Toronto Daily Leader*, 17 April 1856.
359. *Globe*, 17 April 1856.
360. *Toronto Daily Leader*, 17 April 1856.
361. *Ibid.*
362. *Globe*, 17 April 1856.
363. *Toronto Daily Leader*, 17 April 1856.
364. *Ibid.*
365. *Globe*, 17 April 1856.
366. *Ibid.*
367. *Toronto Daily Leader*, 17 April 1856.
368. *Globe*, 17 April 1856.
369. *Toronto Daily Leader*, 17 April 1856.
370. *Globe*, 17 April 1856.
371. *Toronto Daily Leader*, 17 April 1856.
372. *Globe*, 17 April 1856.
373. *Toronto Daily Leader*, 17 April 1856.
374. *Globe*, 17 April 1856.
375. *Ibid.*
376. *Ibid.*
377. *Ibid.*
378. *Ibid.*
379. *Ibid.*
380. *Toronto Daily Leader*, 17 April 1856.
381. *Globe*, 17 April 1856.
382. *Toronto Daily Leader*, 17 April 1856. According to this newspaper, this occurred at "about half-past one o'clock." *Globe*, 17 April 1856, reports that the House "then adjourned shortly before two o'clock."

Commentaries on this day's debate on the Seat of Government are reported in *Globe*, 17 April 1856, *Mackenzie's Weekly Message*, 18 April 1856, *Montreal Transcript*, 18 April 1856, *Morning Chronicle*, 18 April 1856, *Hamilton Spectator Semi-Weekly*, 19 April 1856, *Le Pays*, 19 April 1856, *Western Planet*, 19 April 1856, *Montreal Gazette*, 21 April 1856, *Montreal Gazette*, 23 April 1856, *Hamilton Spectator Semi-Weekly*, 23 April 1856, *Western Planet*, 24 April 1856, *Morning Chronicle*, 25 April 1856, and *Perth Courier*, 25 April 1856.

Commentaries on the altercation between Mr. Rankin and Mr. J.A. Macdonald are reported in *Globe*, 17 April 1856, *Toronto Daily Leader*, 17 April 1856, *Hamilton Spectator Semi-Weekly*, 19 April 1856, *Montreal Transcript*, 19 April 1856, *Montreal Gazette*, 23 April 1856, *Western Planet*, 24 April 1856, and *Mackenzie's Weekly Message*, 25 April 1856.
383. *Globe*, 17 April 1856.
384. *Ibid.*

THURSDAY, 17 APRIL 1856

(330)

MR. SPEAKER laid before the House, — General Abstract of the Accounts of the *Canada Life Assurance Company, Hamilton*, for the year ending 30th April, 1855.

For the said General Abstract, see Appendix (No. 5.)

And also, Statements of the affairs of the *Champlain and St. Lawrence Railroad Company*, during the years 1854 and 1855.

For the said Statements, see Appendix (No. 13.)

The following Petitions were severally brought up, and laid on the table: —

By Mr. *Hartman*, — The Petition of *John White* and others, of the County of *York*.

By Mr. *Prévost*, — The Petition of the Reverend *L.R. Fournier* and others, of the Parish of *Ste. Adèle*, County of *Terrebonne*; and the Petition of the Municipality of the Parish of *Ste. Adèle*, County of *Terrebonne*.

By Mr. *Freeman*, — The Petition of the Mayor, Aldermen, and Commonalty of the City of *Hamilton*.

By Mr. *Bowes*, — The Petition of the Reverend *A. Brettargh* and others, of the Village of *Trenton*, County of *Hastings*.

By Mr. *Angus Morrison*, — The Petition of *George Moberly* and others, of *Collingwood*.

By Mr. *Valois*, — The Petition of *Joseph Allard* and others, of the Seigniorship of the Island of *Montreal*, County of *Jacques Cartier, Censitaires*.

By Mr. *Taché*, — The Petition of the Institute of *Rimouski*.

By Mr. *Brown*, — The Petition of the Municipality of the Township of *Walsingham*; the Petition of *E. Burnham* and others, of the Town of *Picton*; the Petition of *William Grant* and others, of the Town of *Peterborough* and vicinity; the Petition of *J. Hyde* and others, of the Town of *Stratford*; the Petition of *Samuel Johnston* and others, of the Township of *Euphemia*; the Petition of *Thomas Beatty* and others, of the Town of *Peterborough* and vicinity; the Petition of *James Armstrong* and others, of the Township of *Otonabee*, County of *Peterborough*; and the Petition of *James Thom* and others, of the City of *Toronto*.¹

(331)

By Mr. *Gamble*, — The Petition of the Municipal Council of the United Counties of *Northumberland and Durham*.

By Mr. *Fergusson*, — The Petition of *John Cockburn*, on behalf of a Public Meeting held in the Township of *Puslinch*.

By the Honorable Mr. *Merritt*, — The Petition of *Jacob Snure* and others, of the County of *Lincoln*; and the Petition of the Honorable Sir *Allan N. MacNab*, President of the Committee for the building of *Brock's Monument*.

Pursuant to the Order of the day, the following Petitions were read: —

Of the Mayor, Aldermen, and Citizens of the City of *Montreal*; praying for the passing of an Act to enable them to borrow Fifty thousand pounds to complete the new Water Works in the said City.

Of the *Toronto House of Industry*; praying aid to enlarge the said building, and also that the annual grant may be increased.

Of the Municipality of the Township of *East Hawkesbury*; praying that the boundary line between *Upper* and *Lower Canada* may be accurately defined.

Of the President and Directors of the General Protestant Hospital, County of *Carleton*; praying that the annual grant allowed them may be increased.

Of the Mayor, Aldermen, and Commonalty of the City of *Ottawa*; praying that if the Bill now before the House for the establishment of a Provincial Police should become Law, that the expense thereof shall not fall exclusively upon the City Municipalities, but that the same shall be borne by the Province generally, and not by the Cities specially.

Of the Municipality of *St. Jean Port Joli*, and of the Township of *Fournier*; praying aid to open out a Road.

Of *James Ban* and others, of the Township of *Norwich*; of *Asa Durkee* and others, of the Township of *South Norwich*; of the Municipal Council of the County of *Oxford*; of *John Rutherford* and others, of the Township of *King*; of *John D. Davis* and others, of the Township of *Whitchurch*; of *Joseph Larkin* and others, of the Township of *King*; of *P. Maguire* and others, of the Village of *Millbrook*, County of *Durham*; of *W.M. Mitchell* and others, of the Village of *Acton* and vicinity, County of *Halton*; and of *Daniel McNaughton* and others, of the Township of *Onondaga*; praying that representation may be based upon population.

Of *Archibald LeRoy*, of the Township of *East Hawkesbury*; praying that the Bill now before the House to confirm certain Surveys and allowances for Roads in the Township of *East Hawkesbury*, may not become Law.

Of *Alexander Gourlay* and others, of the Township of *Ellice* and neighbourhood; and of *Thomas Boyes* and others, of the Township of *Templeton*, County of *Ottawa*; praying for the passing of a Prohibitory Liquor Law.

Of the Municipal Council of the County of *Oxford*; praying that the Bill now before the House to establish a General Police Force in this Province, may not become Law.

Of the Municipal Council of the County of *Oxford*; praying for the repeal of the Separate School Act.

Of the Municipal Council of the County of *Oxford*; praying for certain amendments to the Assessment Laws of *Upper Canada*.

Of *Pierre Lacroix* and others, of the Parish of *St. Bruno*, County of *Chambly*; praying for an Elective Legislative Council, an Elective Governor, and the recall of Sir *Edmund Head*.

Of *James Devlin* and others, of the Township of *Maidstone*; of *Thomas Webb* and others, of the Township of *Brighton*; and of the Municipality of the Township of *Maidstone*; praying for an Address to Her Majesty, soliciting the recall from banishment of *William Smith O'Brien*.

Of *P. German* and others, of the County of *Prince Edward*; praying that means may be adopted to prevent the unnecessary expenditure of the Endowment of King's College.

Of *Thomas C. Street* and others, of the Township of *Stamford*; praying that the Village of *Elgin* may not be incorporated.

Of *W.A. Rooth* and others, of the Township of *Stamford*; praying that if an Act be granted to incorporate the Village of *Elgin*, that the limits thereof do not exceed the boundaries of, nor include more land than is comprised in Lots Numbers seventy-five, ninety-two, and ninety-three, of the said Township.

Of *James Brown* and others, of the Townships of *Fullarton* and *Downie*; praying for the abolition of Sunday labor in the Post Office Department, and on the *St. Lawrence* Canals.

Mr. Solicitor General *Smith* reported from the Select Committee on the Bill to amend the Act to provide for the formation of Incorporated Joint Stock Companies for manufacturing, mining, mechanical, or chemical purposes, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for To-morrow.

Mr. *Joseph Curran Morrison*, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Fourth Report of the said Committee; which was read, as followeth:—

Your Committee have considered the Bill for the punishment of the Officers and Servants of Railway Companies contravening the By-Laws of such Companies to the danger of persons and property, and have amended the same by leaving out such of its provisions as relate to matters not embraced within the scope of the Title, the whole of which they humbly submit for the consideration of Your Honorable House.

On motion of Mr. *Crawford*, seconded by Mr. *Joseph Curran Morrison*,

Ordered, That the Bill for the punishment of the Officers and Servants of Railway Companies contravening the By-Laws of such Companies to the danger of person and property, as

reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for Monday next.

The House proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act to correct an error in the Act passed in the eighteenth year of Her Majesty's Reign, to amend and extend the Acts incorporating the *Champlain* and *St. Lawrence* Railroad Company;" and the same were read, as follow: —

Page 1, line 30. After "which" insert "is hereby declared valid and effectual to all intents and purposes, and."

In the Preamble of the Bill:

Page 1, line 2. After "to" insert "and passed by."

Page 1, line 14. Leave out from "and" to "Her" in line 16, and insert "did remain in it as passed by the Legislative Council, and assented to by His Excellency the Governor General, in Her Majesty's name as aforesaid, so that there was not a concurrent assent of the three branches of the Legislature in all the provisions of the said Act, for remedy thereof."

In the Title of the Bill:

Line 1. Leave out from "to" to "in" where it occurs the first time, and insert "remedy a defect."

(333)

The said Amendments, being read a second time, were agreed to.

Ordered, That Mr. *Galt* do carry back the Bill to the Legislative Council, and acquaint their Honors, That this House hath agreed to their Amendments.

On motion of Mr. *Stevenson*, seconded by Mr. *Ferres*,

Resolved, That this House doth concur in the Eleventh and Twelfth Reports of the Standing Committee on Printing.

MR. J.S. MACDONALD was unwilling in the absence of the members of the Administration, to go on with the motion of which he had given notice respecting the presentation of an address to His Excellency², praying that he will be pleased to recommend an appropriation to be made for the construction of suitable buildings for the accommodation of the Legislature and Government in whatever locality the selection shall hereafter be made, and that the rule to take up the Orders of the Day first on Thursdays shall, so far as this motion is concerned, be dispensed with.³ And if the house would permit him to take it up afterwards, he would let it stand for the present.⁴

Some discussion ensued on this point when the members of the Administration came in and took their seats.⁵

MR. J.S. MACDONALD continued. As it was determined that on Thursdays the order[s] of the day should be taken up before the notices, it was his intention to move that the motion of which he had given notice should be first taken up, and it had been worded to that effect. Two very important steps had been taken with reference to the Seat of Government. The first was, that the time had come when the perambulating system should be put an end to. The next step that he had proposed to make was, that the appropriation for buildings should be made in advance of the selection of the Seat of Government, but the result of the vote last night took a step in advance of the one he intended to propose. They had now come to the period when no more time should be lost in settling the question whether the two votes which had been solemnly given were sincere or not. They would recollect that he had only one view in this matter. His only object was that the house should declare in the first instance in favour of the principle of permanency, and when this had been done, and the question came up as to what place should be chosen, he listened quietly to what took place. Hon. members had voted for Quebec from the commencement, and had only voted for Quebec as a *dernier res[s]ort*. As he was sincerely anxious that the Seat of Government should be fixed some where, and he was at last placed in such a position, that he must vote for Quebec, or else allow the whole matter to be thrown over, when they came up here he did not allow much time to elapse until it was known that he would take the same

course here that he had previously done at Quebec. When the question came up, owing to the conduct of some hon. members from Upper Canada, the naked question arose between Quebec and the whole Province. The attempt last night to shut out from the house the power of voting for any other place was just to compel them to remain as they were, and he would ask if it was possible that those who wished to have the Seat of Government fixed could avoid voting for Quebec. It was forced on them by those who had always said, that Legislation could not be carried on safely in Lower Canada, from the influence of popery and the Roman Catholic priests. Where was the consistency of those hon. members who were willing to have four years more of the alternate system, to have four years more under the walls of the city of Quebec. They showed that [they] were anxious to perpetuate a system which they affected to despise. He would like to know whether those hon. members would stand before their constituencies in the same position that he did. The course that he took was forced upon him by those parties who had voted that Quebec be substituted for every other place. His honourable friend on his left (Mr. Brown) told them that this was the very thing they desired. He says that the very fact of the seat of Government going to Quebec was the death-knell of the Union. If his hon. friend was sincere, he ought to take steps to dissolve the Union, and not perpetuate a system which would become more complicated every year. If he desired it, let him move that Upper Canada assume the whole of the municipal loan fund debts, and the Northern Railroad, and be clear of the Grand Trunk. Lower Canada would never agree to a system which would give Upper Canada the control over her. Was it wise in them at the present moment, or could they expect any peace, while they were holding up the fact that we are in a state bordering on a dissolution of the Union? He desired now that they should test the sincerity of those Western members, as to whether they intended to give effect to the vote of the house, or whether they still wished to continue the alternate system, which had been brought about at a period of great excitement, when it was necessary that Montreal should be sacrificed on the altar of responsible government. Since then, they had had the management of their own affairs, and the great question of constitutional government had been settled, and now those who brought about the disasters which drove the seat of Government from Montreal, turned their backs upon Montreal. He wanted to ascertain whether the house was prepared to ask his Excellency to send down an appropriation for suitable buildings at Quebec? He thought the Government ought to take the matter up, but they were in such a position, that he did not expect any very united action from them. Those ministers who represented Lower Canada were bound to come down as ministers of the Crown, and give effect to the views of the house, but as he had no faith in the administration, he was not willing that a question of this importance should now be thrown over, and as there were parties here from all sections of the Province, no time should be lost in giving effect to the decision arrived at by the house. If the Government say that they are prepared to come down with an appropriation, then he would withdraw his motion. He congratulated the Commissioner of Crown Lands on having, with the help of the priests of Lower Canada, caught in his net⁶ the great champion of broad Protestant principles who had fairly succumbed to Popery, by forcing the seat of Government to the place where, of all others, he was most anxious it should not go.⁷ He must say for his hon. friend on the left, that he was sure his peace of mind must be destroyed to a very great extent after all he had said about popery, and after having been chosen generalissimo of his party, that he had been caught by the Commissioner of Crown Lands and taken captive to Quebec.⁸ He thought that this yielding to Popery required some explanation on the part of Mr. Brown. (Laughter.) He [Mr. J.S. Macdonald] contented [sic] that anything was better than the perambulating system, and said that if the House failed, as they had nearly done last night, to come to a decision, that the question should then have been referred to Her Majesty.⁹ With regard to the appropriation, that should be made to meet the views of the house. He wished to know what the Government had to say on the matter; but as they stood now he did not see how they could offer his Excellency any advice on the subject, and he thought that the house could not have complained if his Excellency had exercised the undoubted prerogative of the Crown in the selection of the Seat of Government when he had no advisers in the matter. He then moved that the orders of the day be postponed until after the motion relative to an address to his Excellency for an appropriation for the erection of public buildings had been disposed of.¹⁰

MR. AT. GEN. DRUMMOND trusted that his honorable friend from Glengarry would postpone his motion. As a matter of course, the consideration of the propriety of making an appropriation for the seat of Government, would shortly have to come under the consideration of the Government; but as yet they were not prepared — nor was it possible they could be, to state what course they intended to pursue in the matter. The fact was, that the late hour at which the House had adjourned on the previous night, compelled the Ministry to come into the House, without ever seeing the notice of motion made by the honorable member for Glengarry. He hoped, therefore that that honorable gentleman would postpone his motion.¹¹

MR. J. MORRISON (Niagara,) rose to a question of order. He reminded honorable gen[t]lemen that by a rule of the House, the orders of the day took precedence of the notices of motion. He also drew attention to the rule of the English House of Commons, which was to the effect that unless it were otherwise decreed by the House, the orders of the day always took precedence of the notices of motion, on certain days.¹²

MR. SICOTTE the SPEAKER said that such was the rule of the English House of Commons¹³ adopted on the 25th June, 1852¹⁴; and numerous precedents were to be found where members of that House moved that the House take up the notices of motion, when, by a standing order of the House, the Orders of the Day took precedence. And he thought that that practice might prevail in the absence of any rule of their own.¹⁵

MR. J. MORRISON would move in amendment — “That the order[s] of the day be now called.”¹⁶

MR. J.S. MACDONALD said, if the hon. Attorney General and the Government would consent that the motion be taken up¹⁷ the first thing to-morrow¹⁸ (no, no,) he was disposed to consent to allow it to stand till then, but he would object to postpone it beyond then.¹⁹

MR. AT. GEN. DRUMMOND had no objection.²⁰

MR. MERRITT was astonished at the views of the hon. member for Glengarry. Nobody thought the matter was of that immense importance which that hon. gentleman did, and why should [sic] he make so much trouble about it. There was no hurry called for; next year or the year after was soon enough to entertain the question.²¹

MR. PAPIN rose to say a few words²² —

MR. SICOTTE the SPEAKER ... ruled [the gentleman] out of order ... the question having been disposed of.²³

MR. HOLTON rose to a point of order. He would like to know if the consent of that House should not be given before the hon. member for Glengarry was allowed to withdraw his motion; and if so, whether the hon. member for L'Assomption had not a right to be heard.²⁴

MR. SICOTTE the SPEAKER said that he had no objection to the hon. member for L'Assomption discussing the question; but he thought the discussion on the question ought to be postponed till it came before the House tomorrow.²⁵

MR. BROWN rose to say a few words in reply to the remarks of the hon. member for Glengarry.²⁶

MR. SICOTTE the SPEAKER reminded the hon. member for Lambton, that he would have the same advantage to-morrow [sic]. If he were allowed to reply, then other hon. gentlemen could also claim the privilege.²⁷

MR. BROWN again rose, but was met with cries of "chair, chair."²⁸

MR. AT. GEN. DRUMMOND hoped the House would allow the hon. member for Lambton to be heard.²⁹

MR. BROWN said he only rose to say that he would like to make a few remarks on the subject; but in consideration of the feelings of his hon. friend from Glengary, who had been so much pained by the vote of the previous evening, which had not, contrary to all his expectations, fixed the seat of government in Montreal, he would postpone his remarks.³⁰

The motion was eventually withdrawn, and directed to be placed at the head of the notices of motion for³¹ to-morrow.³²

(333) The Order of the day for taking into consideration the Reasons of absence of such Members as were not present at the Call of the House on Monday the seventh day of March last, being read;

Ordered, That the said Order of the day be postponed until Thursday the first day of May next.

The Order of the day for the House in Committee on the Bill to incorporate the *Buffalo* and *Lake Huron* Railway Company, and for other purposes, being read;

Mr. *Crawford* moved, seconded by Mr. *Bowes*, and the Question being proposed, That Mr. Speaker do now leave the Chair;

MR. BROWN said, before going into committee, he wished to call the attention of the House to a hardship which would be inflicted upon two gentlemen — James Stewart and William Cook — in connexion with this road, should the Bill now before the House become law. The statements of these two gentlemen have been put into the hands of every member. That statement is to the effect that these gentlemen hold stock in this company to a large amount, and by the arrangement now made — to put this road into the hands of another company — their interest in this road will be entirely destroyed.³³ The bargain which has been made ... directors of the old company, and ... who propose to purchase the road, is for a transfer to the new company of the road and all its appurtenances upon certain conditions; and among those conditions that they shall pay the floating debt of the old company — a certain proportion of their claims to one class of bond holders — and a larger proportion to another class; but Messrs. Stewart & Cooke, who hold stock in the road are to have no provision whatever made for them. They are to lose their entire property. They say that by the original charter, it was never contemplated that this company should have power to lease or to sell the road — that they were bound to carry on the enterprise, and that it is not right for the Legislature to grant a new bill which will divest individuals of the rights they hold. On the other hand, the parties applying for the bill say that their rights are not taken away because the road is valueless; that the old company have not means to carry it on efficiently, and that if it were to be sold at the hammer, nothing would be left to the stockholders. Now, Mr. Speaker, I apprehend that the Legislature of no country should legislate away the rights of individuals. We cannot decide upon the value of any personal interest. We cannot say this man's property is worthless and we will take it from him. We cannot say this man is unable to pay his debts, and therefore we will take his property and sell it against his will. The Law Courts can alone do this. How can this house think for a moment of passing an Act of Parliament to sweep away the property of individuals, no matter how small it may be? If we were once to introduce such a system of legislation, where, I ask, would it end?³⁴ He was quite sure it was unnecessary to go at any length into the merits of this case, because a printed statement has been put into the hands of all the members, and because the principle in this bill was one on which the House would pause before violating.³⁵ I am now about to move an amendment to test the question. I shall move an amendment, "that the house do not now go into Committee of the Whole, but that the said bill be referred back to the Railway Committee, with instructions

to make provision for the personal rights of Messrs. Stewart, Cooke and others, so far as they may be affected by the said bill." I have known these parties at our bar for many years; they are both excellent citizens, men of reputation, who have worked themselves into their present honourable positions, by many years of energy and perseverance; and now it is proposed that the whole of their means, — the accumulations of a life shall be swept away at one stroke! If we pass this Bill, sir, Mr. Cook will be ruined, and Mr. Stewart be stripped of a large part of his fortune. All they ask is, some fair compensation.³⁶ He did hope, therefore, that this matter would be considered by the House, inasmuch as these parties were willing to compromise the matter. They say ... [they] have sunk £35,000 in money and work in this Road, and if this new company is desirous to take the Road,³⁷ they are willing to sustain a loss of one-half their whole claim of \$140,000, but they demand to be protected to that extent.³⁸ A fairer proposition could not be made, yet it is proposed to sweep away all their property without any compensation whatever.³⁹ It will occur to hon. gentlemen how does it come that these two parties alone are here? The reason is this: The road was chiefly got up by the municipalities, and most of the means for building it was raised from municipal debentures, advanced on Bonds of the Company. A certain amount of stock is owned by certain municipalities; but it is a very different thing with regard to those municipalities from private individuals. The success of the road is a public interest; and to the inhabitants of the municipalities through which it passess [sic], it is very desirable that the line should be put in first-rate condition, and be worked by parties who have large means. The present company, it is not to be denied, is seriously embarrassed — and we can understand readily the wisdom of these municipalities who say: — "we have no objection to give up our stock for the great good that will be obtained through this New Company."⁴⁰ [They know] that all the property in these municipalities will be greatly improved by the line being thoroughly completed.⁴¹ In fact, it is only the two gentlemen at our bar who are seriously affected by this Bill. If the bargain is worth anything to the new company, they can surely afford to settle with these parties. I am not objecting to the general end proposed to be effected by the Bill. I have been told that the provisions of the Bill do not give due security for the carrying out of the contract, and that proper security is not given for the rightful application of the purchase money, when it shall be forthcoming; these may be questions for consideration; but I do not oppose the measure on these grounds. My objection is that the rights of individuals are outraged. It is not for us to decide upon the foreclosing of mortgages⁴² [and] it would be a most unjust thing for these parties to be ruined in consequence by any act of the Legislature. The course they ought to take, was to leave this to the working of the law courts, and not interfere by Legislative enactment, to deprive these gentlemen of their rights.⁴³ I shall, no doubt, be condemned by a large portion of the people residing in places through which this road runs, for taking a course, which they will regard as hostile to their interests; but I feel that I would be unworthy of a seat here, as a representative of the people, if, holding the strong views I do in regard to personal rights, I did not rise to oppose such a system of legislation as this from its very inception. I appeal to the Hon. Attorney General in this matter. As first law officer of the Crown, he is bound to protect the rights of private individuals; he cannot sanction this Bill to sweep away individuals' rights. The only analogous case to this that has come under our notice was a Bill passed in 1853, with regard to the Niagara Docks, and which proposed to take away the rights of certain creditors. The Bank of Upper Canada had an execution against the Docks, and they could not sell it, from the fear of purchasers that some other creditors of the company might come and disturb their possession. An Act was accordingly applied for, to enable certain parties to purchase, without risk of disturbance from the creditors of the company. The Bill passed under the very same pleas we have advanced for the one before us, and the Docks at once rose to a high value. But the parties who held the claims were robbed of them, unless indeed they were paid by the liberality of the purchaser. Now, supposing that the house should pass this Bill now before it, and this road shall go into the hands of this English Company, and the stocks shall rise immediately above par, — how should we feel in contemplating the ruin of Mr. Cook? The new company would then be reaping all the benefit of the labour and money of my two clients. Let me intreat the house not to set so hurtful a precedent, but to pass my resolution and protect the rights of the parties at our bar.⁴⁴

MR. MACKENZIE asked if that included the rights of the labourers?⁴⁵

MR. BROWN replied that they were provided for under the bill.⁴⁶

(333)

Mr. *Brown* moved in amendment to the Question, seconded by Mr. *Gamble*, That all the words after "That" to the end of the Question be left out, and the words "the Bill be referred back to the Standing Committee on Railroads, Canals, and Telegraph Lines, with an Instruction to make provision in the measure for the protection of the personal rights of *James Stewart*, *William Cook*, and others, so far as they may be affected by the said Bill" inserted instead thereof; And a Debate arising thereupon;

MR. J. MORRISON (Niagara,) said there was no use sending the bill back to the committee, because⁴⁷ this point had been very fully discussed for three weeks⁴⁸ and the committee came to the conclusion to refuse it.⁴⁹ He had the very best authority for stating that the facts stated in the petition of Mr. Cook were not correct, that he has no actual claim on the company.⁵⁰ He understood that the works were to be completed for \$125,000, and they have paid \$100,000. There was one thing, if the new company is not incorporated, there would be an end of the stock altogether. His honorable friend he was glad had no objection to the general principle of the bill; that is, that all other parties should give up their rights.⁵¹

MR. BROWN. — Because they consented.⁵²

MR. J. MORRISON. — Why did they consent? Just because all the Municipalities have given up their stock, in order that the work might be completed.⁵³ It is fairly understood that it is impossible for the road to go under present circumstances, and that the only mode of benefitting the creditors, and completing the road, is to adopt the course proposed in this Bill. He had at the beginning also felt serious objections to the bill, but after hearing all the arguments in committee, and after learning that this English company is prepared to give £500,000, which is far more than the creditors could obtain under the circumstances, he had changed his opinion. The member for Lambton had said, "Let the law courts decide the question." Now he must say that he was astonished to hear that after listening to the speech of the hon. gentleman on the Rectory question the other night. (Hear, hear.) He thought the hon. gentleman ought not to advocate this course. If this case went into the law courts, into the Court of Chancery, it would not take ten or fifteen years only, but would never get out of the court. It would be utter ruin to all parties. The effect of the bill is just this: it will insure the completion of the road to Goderich⁵⁴ [which] has been stopped since January last⁵⁵; while every day that it has been delayed before the committee, or is delayed before the house, it is absorbing \$600 of the assets of the company, and is extinguishing so much of the means of the company to pay the claims of creditors.⁵⁶ The gentlemen had been heard by counsel, and yet the committee could not see the propriety of allowing those gentlemen any compensation.⁵⁷ Nothing can, therefore, be gained by sending the bill back to the railway committee. The member for Lambton had urged that as a means of affecting a compromise; but during all the discussions in the committee he had never heard any proposition for a compromise. The fact is, that neither of these two persons — Mr. Cook and Mr. Stewart, are interested to the extent that they represent. They say that they have claims to the amount of £75,000, while⁵⁸ he was convinced that the gentlemen were not interested in the stock to the extent of £35,000.⁵⁹

MR. BROWN. — There is no doubt of that whatever.⁶⁰

[MR. J. MORRISON continued:] It is quite true that the amount of the claim does not effect [sic] its justice. Whether the claim is for £5 or £5,000, the principle is the same; but it is well known that their claim is not one that should come against the company until all the other creditors are paid; and it seems to be their object that if they have rights they are unwilling to take the same steps as 99-100ths

of the other stockholders, to secure as far as possible, the assets of the company. — During the last two or three years the affairs of the company have been grossly mismanaged, and it is this £25,000 worth of stock held by Mr. Stewart, which has been the means of keeping in all those parties by whom they were mismanaged; yet now he comes before the legislature and claims compensation for losses suffered in consequence of the evils he has himself been instrumental in inflicting.⁶¹

MR. INSP. GEN. CAYLEY said it appeared to him that the position of the chief claimant is simply this: Mr. Stewart advanced money to a friend, and took, by way of security for the loan, a certain amount of stock in this company. It ought to have been his first business to ascertain whether the stock he accepted as security was good for anything, whether the company was solvent or not. Now it appears that the stock was utterly worthless, but by accepting it he became not merely a creditor, as he claims, but also a partner, and as such liable for the debts of the company. He is in reality in the position of a debtor to the bondholders. But instead of making any provision to pay the debts due to the bondholders, he comes to the legislature, and says, "pay me for my blunder in taking this worthless stock, let the bondholders manage as they please; pay me and I will be satisfied." Does he ask anything more than this, "Get me out of my scrape and let the bondholders get out of theirs as they best can!" There are two ways of dealing with this question; either to allow the bondholders to sell the road, in which case Mr. Stewart will get nothing, or to lease the road to this company. In the one instance, the creditors of the road will get a dividend, in the other they will get nothing; and the position taken by Mr. Stewart has been assumed by him for the purpose of preventing the other creditors from obtaining some portion of their claims, and to cut himself off also. There is a large body of creditors now petitioning for the adoption of the only means by which they can obtain a dividend — they expect that they will be able to obtain 70 cents to the dollar; and on the other hand there are Messrs. Cook and Stewart who oppose every scheme likely to be of benefit. Every day's delay diminishes the chance of obtaining compensation for their money and labor, they are willing to make whatever sacrifices may be found necessary, and Messrs. Cook and Stewart want to do nothing either until the whole property falls into inextricable confusion, or until a separate treaty is made to buy them off. He thought it would be one of the most fatal mistakes to resist the prayer of the bondholders and other creditors of the company, and thus stop this most important work, the charter of which he believed would otherwise expire in three weeks.⁶² He trusted that after this had undergone a careful investigation in the committee, they would not have a repetition of the same, which could have no other effect than simply to prolong that delay which is so fatal to the interests of the road.⁶³

MR. CAMERON confessed that he had heard what had just fallen from the Inspector-General with regret, for he conceived that, if there is any principle which this Legislature ought to protect, it is the principle which gives individual rights, and which prevents those rights from being legislated away. Now, the right which these parties hold in the road, is one which, no one can deny, gives them certain rights of property. These rights of property, the Legislature cannot disturb, without giving them compensation; and certainly if those rights are taken away, the House ought to be prepared to pass an Act making them compensation. There is no doubt, with regard to the bill itself, it will be a great public benefit; and there are members now in the House who would be delighted to see the Railway completed, as a public measure, and from motives of personal interest. He would say that, for himself, he would be delighted to see the road completed as a mere matter of personal interest. But for that reason, he cannot agree to this bill, for the deprivation of individual rights, when he knew that there are legal modes of procedure, by which the matter could be brought to an issue, without the necessity of coming here for a legislative enactment. The passing of the bill must not be considered as a measure which applies merely to this road, but which contains a principle that will apply to every other work of public utility. If this principle be sanctioned, it will then be taken as a precedent, the very moment when a company's affairs may be found embarrassed, for the bondholders to take possession of the assets, and then if a portion of them, or even a majority of them, can come to an agreement, by which they will have the

power of binding the minority to carry out their views, and even deprive them of their rights. Now, on what principle is this Legislature to say that a man's property is of no value? What Legislature has a right to say that the stock that he holds is not worth \$25 or 25d? The Legislature clearly has no right to interfere with his rights, for the purpose of depriving him of those rights, except it proposes to make compensation for them. If the Legislature says, "You have rights, but they are of little value, and a great public benefit will be effected by their destruction," then the Legislature ought not to take such a course; but if it does disturb or destroy private rights to confer a public benefit, it ought at the same moment to be prepared to make compensation. One argument used is, that the property which those claimants acquired was stock of little value, and that they did not give par for it — but how many properties have been acquired in this country, which have been purchased at a low valuation, but which have risen in value, and which the owners would not like to be deprived of? On what principle is it that these rights, which are vested in individuals, should be disturbed, and that they should be deprived of them? Is the violation of vested and individual rights a principle on which this house should legislate? Is it a point of view from which the Legislature ought to regard this subject? There are persons here who say "how do we know that if the proper legal steps were taken, and the mortgages enforced that these persons, who are now here as claimants, might not themselves have been forced to purchase, and thus pocket the stock?" And that, he must say, is a correct view of the subject. But so far are they, the bondholders, from doing what they have in their power to do, that without a word they appear before the railway committee, and demand the passing of an act declaring that these private rights shall be abrogated, and the committee reports here a measures [sic] by which they will be destroyed and absolutely cancelled; and the reason alleged is that their property is of no value, and that no harm is being done. Now the legislature is not to step in and say that a man's property is of no value; and certainly it is not to assume that it does him no harm by depriving him of that property. And he hoped when he heard the member for Lambton arguing, from his point of view, the necessity of paying regard to vested rights — he hoped that he might hear the member for Lambton also arguing a proper observance of vested rights in other cases. He hoped to hear that hon. member taking the same ground in all cases, and not say when a member of the Church of England appeared before the house with a demand for strict regard of vested rights, "oh, this is a political subject; the question of right is of little importance, and there are political reasons why it should be swept away." He thought the legislature was taking the wrong course in disturbing the rights of these private individuals; and that a different mode of procedure ought to have been adopted. In the case of the Niagara Dock Company, the regular legal process was taken, as it ought to have been by the bondholders in this case. Judgment was obtained, and execution issued out. The same course was open to these parties, and in six months the whole matter might be brought to an end. With the proper legal remedy in their hands they refuse to exercise it, and come before the legislature asking it to pass an act depriving two persons of those rights which they claim to be properly vested in them, and he could not consent to that course⁶⁴, although he would be glad if some arrangement could be made whereby this Company could obtain possession of the road.⁶⁵ For those reasons, he would vote for a reference back to the Railway Committee, with instructions to effect an arrangement which would be satisfactory to these parties, or if such an arrangement could not be effected, to leave it in the hands of the bondholders to enforce the mortgages, sell the road, and thus extinguish all the rights at once.⁶⁶

MR. J. MORRISON said they could not sell the privilege of running the road.⁶⁷

MR. CAMERON replied that that was true; but they could sell the track, and with it every right belonging to the company.⁶⁸

MR. DALY supported the Bill in all its details.⁶⁹ [He] claimed to be thoroughly conversant with the facts as representative of a county which had invested £50,000 in the road. The charter expires within three weeks or a month, and if the company is not bankrupt already, it will be by that time. The

gentleman who offers opposition to this bill was connected with the contractor, (Mr. Cook) to whom the directors made a present of this £25,000 in stock.⁷⁰

MR. MACKENZIE asked if he understood rightly that this was a present?⁷¹

MR. DALY said yes. They made him a present of it, or compromised with him, as they found that he was unable to fulfil his contract, for the purpose of getting him off the road. The stock was not worth anything at the time it was given him.⁷² But the result was that this £25,000 in stock controlled the entire management of the road. As an instance of that management he would mention that they gave £200,000 as a bonus to get £300,000. If this bill should not pass, the mortgages, which amount to £578,000, will preclude the unprotected creditors from getting anything. Now, it is very well to say that this bill sweeps away vested rights; but every right includes a duty, and he held that Mr. Stewart owes a duty to the bondholders. Should this bill pass it is true that he will lose his stock, which was never valued at anything, for it can be bought at the rate of two cents to the dollar, and he knew people that would sell \$400 worth for \$2; but it would be better to allow him to take the same chance as any other creditor. As the house is in the habit of passing bills to sweep away vested rights, it could scarcely have any hesitation in passing a bill which will not sweep away vested rights, but merely place Mr. Stewart on the same footing as the other unprotected creditors.⁷³

MR. FOLEY admitted the hardship of the case so far as the two gentlemen were concerned, but they entered into a speculation which turned out a failure, and they must suffer the consequences.⁷⁴ [He] could not understand that the member for Lambton had proposed any practicable scheme to make up Mr. Stewart's loss to him; and the committee, after a careful and full discussion of the question, had entirely failed to do so. If the member for Lambton thinks that Mr. Stewart can by any means be relieved from his disabilities, and that the road can be put in working order, he should be glad to hear it; but if there is no prospect of that kind, it would be a mere waste of time to refer the bill again to the committee. Then the member for Lambton says it would be unjust to deprive those persons of any rights they may possess — he agreed in that. It would be most unjust to deprive them of any rights; but the question is not one of justice or injustice. The company is entirely insolvent, and it is out of their power to keep the road in running order. It is, then, utterly impossible for the company to afford relief. If the legislature should not pass this bill, then it does more than establish the claims of Mr. Stewart. It opens the door at once for all other claimants, and none will get anything, for there are mortgages to be paid, and judgments to be paid. If they could be got rid of, then all the creditors might be put on an equal footing and share equally in the assets. But this was clearly impracticable, as the only conclusion the committee could arrive at after careful and mature deliberation was, that the only possible means to place the road in working order, to give satisfaction to the people of that section of the country through which it passes, and to relieve the company from its embarrassments, was to have the bill in the shape in which it appears.⁷⁵

MR. STEVENSON thought that the member for Toronto was correct in the main, and that the House should be very careful not to interfere with the private rights of any individual. If the bill was brought in merely to transfer the property of one person to another, he would most undoubtedly oppose it; but he did not think it had been shown that these two gentlemen had any vested rights. Mr. Cook stands in the position of a creditor to the Company, it is true; but so do several others, who have preference claims, mortgages, and judgments, which must be satisfied. If the road were to be sold by the Sheriff, to satisfy these preference claims, it would scarcely bring £100,000, instead of the £500,000 offered for it. According to Mr. Stewart's letter, he appeared as a stockholder; but he (Mr. Stevenson) could not understand what claim he could have as a stockholder above any other creditor. As a stockholder, his claim must remain over, until all the other debts of the Company are paid. He cannot claim that he is deprived of any property by the bill, for his stock is utterly worthless. The only question that

remains, is, whether provision shall be made which will pay half the amount of the debts — or whether, by refusing to interfere, the whole of the property of the Company should be sacrificed.⁷⁶

MR. PROV. SEC. CARTIER at some length supported the principle of the Bill⁷⁷. [He] thought that the claimants instead of being wronged were desirous of wronging the company. The English bondholder was not a creditor, but in the position of indebtedness to the creditors, and the petitioners wished to have compensation at the expense of the other creditors. They asked to be protected to the amount of half their debt against the company. Out of what funds could the legislature give this compensation?⁷⁸

MR. LORANGER considered that there was a great constitutional right involved in this question, and that the House should pause and deliberate before passing the Bill before them.⁷⁹ This was an extreme case, but if they once gave way they would have similar cases coming up every day. He considered that Mr. Stewart had a right to be heard, but he did not think that he would gain anything by his opposition. Were there not courts of justice to decide a case like this? If not, there must be a great deficiency in the law. Private rights should always be sifted by courts of justice. — This was no question of forfeiting of charter but of private rights. The question was whether rights which would be forfeited by 11th May should be transferred to another company.⁸⁰

MR. BIGGAR thought immediate action should be taken in the matter. It was, in his opinion, evident⁸¹ that the old company was bankrupt, that its money had been sunk in various ways, and they had lost a good deal by fire. The work was going to destruction, and every day that the matter was delayed it was growing worse, and greater loss would be incurred and the people were suffering great loss in consequence.⁸² And he would ask, was it right in Mr. Stewart, when his stock was already sunk, to throw more obstacles in the way of remunerating these working men, who for years had been laboring on the works?⁸³

MR. FREEMAN wished that he could vote for the bill conscientiously. With his sense of justice he was very anxious that it should pass if it could be so done with a due regard to the true principle of legislation. He thought that the committee had left out many very important facts in their report, and as they had not said anything against what was stated in Mr. Stewart's petition they must take for granted that every word of it was true. When the bill was before the committee, it was the duty of the committee to state all the facts material for their argument, but they had not done so.⁸⁴ As he understood the matter, the relation of the petitioners to the Company was as follows: — Mr. Cook was the contractor on the road — ⁸⁵

MR. J. MORRISON said such was not the case.⁸⁶

MR. BROWN would maintain that he was so, in fact.⁸⁷

MR. FREEMAN said that if he were not the contractor directly, his money and services were employed in bringing the road to its present condition,⁸⁸ and that the consideration for his services was his present claim on the company. Mr. Stewart had been more willing than any of the other creditors to rest on the good faith of the company, and that should not now be made use of against him.⁸⁹ Now, he (Mr. Freeman) trusted to the sense of justice entertained by that House, and hoped they would not overlook the claims of the petitioners.⁹⁰ This was not an application on behalf of the public, it was of a mere local character. It had been asked out of what means these parties were to be compensated? but those who opposed the bill were not called on to answer that question. This project had been brought forward and carried out by the municipalities, for the benefit of their own inhabitants. As their property had been very much increased in value, they were the last who ought to complain; and there were strong reasons why the house should receive an application on their behalf. And was it just that, when they had

been the gainers, they should seek advantages at the expense of other parties? These parties assumed certain responsibilities, with a full knowledge of the law under which they acted, and it seemed to him that they ought to be made to work out their own position. The bondholders might take legal steps by which the road might pass into their hands, and they ought not to ask anymore, and Mr. Stewart must stand or fall by the law under which he made his contract.⁹¹

MR. MURNEY here stood up and announced⁹² that he had just been put in possession of the news of the great fact, that the peace of Europe had been established. (Loud cheers.) And no doubt the purposes for which England and France had engaged in war had been attained. As Colonists and as Canadians, they participated in this success as they would have participated in any defeat, (Cheers,) but fortunately, they had met with none. His object in rising was first, to move an adjournment of the debate, with the view of their moving an adjournment of the house in honour of this glorious event. (Cheers.) But before doing so, he would ask the government if they were desirous of moving an adjournment, or if they would prefer that an independent member should do so.⁹³

MR. AT. GEN. DRUMMOND said that he also had just received the welcome tidings by telegraph; and he felt very happy to be able to state that they had every reason to place much more reliance in it, than the telegraph received some time ago, announcing the fall of Sebastopol. In order to duly celebrate that glad event, he thought the house ought to adjourn, at the same time, however, when rights of private parties were now at stake, in the measure before the house, he would prefer postponing the adjournment until some conclusion had been come to respecting the bill.⁹⁴

MR. LARWILL thought the House ought not to adjourn. (Order, order.)⁹⁵

MR. BROWN objected to the remarks of the hon. member for Kent.⁹⁶ There could be only one feeling as to the propriety of at once adjourning the house. There was nothing at which they all rejoiced more heartily, than at the success of the allied armies; and he trusted they might hope that the allies had received those material guarantees for the peace of Europe, which they had a right to expect. (Cheers.) They had a right also to hope that this ... [auspicious] alliance between England and France would continue, (cheers) and that from the great event of the last two years, they might date a new era in the civilization of the world. (Cheers.) Might they not also hope that from recent events, something more favourable to the rights and liberties of the people of Europe than had yet been seen would arise?⁹⁷ He hoped, therefore, that the hon. member for North Hastings would move his adjournment. With reference to what had fallen from the hon. Attorney General East, he (Mr. Brown,) would say that the adjournment would not be injurious to the parties concerned in the Bill before the House⁹⁸; for after the expression of opinion by so many of the best lawyers in the house on the subject, he was of opinion that the parties would have no difficulty in effecting a compromise before the next meeting of the House.⁹⁹

MR. AT. GEN. DRUMMOND thought it was but right that the Government should propose an adjournment. He would therefore move that the debate be now adjourned, and that the Bill stands first on the order of the day for to-morrow.¹⁰⁰

MR. LARWILL again rose to object to the adjournment¹⁰¹ —

MR. SICOTTE the SPEAKER ruled the hon. gentleman out of order — the motion for adjournment not being before the chair.¹⁰²

(333) | *Ordered,* That the Debate be adjourned until To-morrow, and be then the first Order of the day.

MR. MURNEY, seconded by MR. AT. GEN. DRUMMOND, moved the adjournment of the House.¹⁰³

This was immediately assented to, amidst loud applause, the members giving three cheers before adjourning.¹⁰⁴

(333) Then on motion of Mr. *Murney*, seconded by the Honorable Mr. Attorney General
 Drummond,
 The House adjourned.¹⁰⁵

Footnotes

1. *Globe*, 18 April 1856, reports that among the several petitions in favor of representation by population that were presented by Mr. Brown was "one very numerously signed from the City of Toronto." *Toronto Daily Leader*, 18 April 1856, also mentions that this petition was from "a number of the inhabitants of the City of Toronto."
2. *Globe*, 18 April 1856. The reconstructed debate concerning Mr. J.S. Macdonald's motion has been inserted at this point in the day's proceedings following the sequence reported in *Toronto Daily Leader*, 18 April 1856, and *Globe*, 18 April 1856.
3. *Toronto Daily Leader*, 18 April 1856.
4. *Globe*, 18 April 1856.
5. *Ibid.*
6. *Ibid.*
7. *Morning Chronicle*, 23 April 1856.
8. *Globe*, 18 April 1856.
9. *Morning Chronicle*, 23 April 1856.
10. *Globe*, 18 April 1856.
11. *Toronto Daily Leader*, 18 April 1856.
12. *Ibid.*
13. *Ibid.*
14. *Globe*, 18 April 1856.
15. *Toronto Daily Leader*, 18 April 1856.
16. *Globe*, 18 April 1856.
17. *Ibid.*
18. *Toronto Daily Leader*, 18 April 1856.
19. *Globe*, 18 April 1856.
20. *Toronto Daily Leader*, 18 April 1856.
21. *Globe*, 18 April 1856.
22. *Toronto Daily Leader*, 18 April 1856.
23. *Ibid.*
24. *Ibid.*
25. *Ibid.*
26. *Ibid.*
27. *Ibid.*
28. *Ibid.*
29. *Ibid.*
30. *Ibid.*
31. *Globe*, 18 April 1856.
32. *Toronto Daily Leader*, 18 April 1856.
33. *Ibid.*
34. *Globe*, 18 April 1856. The ellipses represent illegible words.
35. *Toronto Daily Leader*, 18 April 1856.
36. *Globe*, 18 April 1856.
37. *Toronto Daily Leader*, 18 April 1856.
38. *Globe*, 18 April 1856.
39. *Toronto Daily Leader*, 18 April 1856.

40. *Globe*, 18 April 1856.
41. *Toronto Daily Leader*, 18 April 1856.
42. *Globe*, 18 April 1856.
43. *Toronto Daily Leader*, 18 April 1856.
44. *Globe*, 18 April 1856.
45. *Ibid.*
46. *Ibid.*
47. *Toronto Daily Leader*, 18 April 1856.
48. *Globe*, 18 April 1856.
49. *Toronto Daily Leader*, 18 April 1856.
50. *Globe*, 18 April 1856.
51. *Toronto Daily Leader*, 18 April 1856.
52. *Ibid.*
53. *Ibid.*
54. *Globe*, 18 April 1856.
55. *Toronto Daily Leader*, 18 April 1856.
56. *Globe*, 18 April 1856.
57. *Toronto Daily Leader*, 18 April 1856.
58. *Globe*, 18 April 1856.
59. *Toronto Daily Leader*, 18 April 1856.
60. *Ibid.*
61. *Globe*, 18 April 1856.
62. *Ibid.*
63. *Toronto Daily Leader*, 18 April 1856.
64. *Globe*, 18 April 1856.
65. *Toronto Daily Leader*, 18 April 1856.
66. *Globe*, 18 April 1856.
67. *Ibid.*
68. *Ibid.*
69. *Toronto Daily Leader*, 18 April 1856.
70. *Globe*, 18 April 1856.
71. *Ibid.*
72. *Globe*, 18 April 1856. According to *Toronto Daily Leader*, 18 April 1856, Mr. Daly insisted that "the parties had no interest to lose, that the Company had made them a present of that \$100,000 worth of stock, and they did so because they were utterly valueless."
73. *Globe*, 18 April 1856.
74. *Toronto Daily Leader*, 18 April 1856.
75. *Globe*, 18 April 1856.
76. *Ibid.*
77. *Toronto Daily Leader*, 18 April 1856.
78. *Globe*, 18 April 1856.
79. *Toronto Daily Leader*, 18 April 1856.
80. *Globe*, 18 April 1856.
81. *Toronto Daily Leader*, 18 April 1856.
82. *Globe*, 18 April 1856.
83. *Toronto Daily Leader*, 18 April 1856.
84. *Globe*, 18 April 1856.
85. *Toronto Daily Leader*, 18 April 1856.
86. *Ibid.*
87. *Ibid.*
88. *Ibid.*
89. *Globe*, 18 April 1856.
90. *Toronto Daily Leader*, 18 April 1856.
91. *Globe*, 18 April 1856.
92. *Toronto Daily Leader*, 18 April 1856.
93. *Globe*, 18 April 1856.

94. *Hamilton Spectator Semi-Weekly*, 19 April 1856.
95. *Toronto Daily Leader*, 18 April 1856.
96. *Ibid.*
97. *Globe*, 18 April 1856.
98. *Toronto Daily Leader*, 18 April 1856.
99. *Globe*, 18 April 1856.
100. *Toronto Daily Leader*, 18 April 1856. According to *Globe*, 18 April 1856, the adjournment of the debate was moved by Mr. Murney.
101. *Toronto Daily Leader*, 18 April 1856.
102. *Ibid.*
103. *Ibid.*
104. *Ibid.*
105. *Western Planet*, 24 April 1856, reports that the House adjourned at "about half past five o'clock", whereas *Toronto Daily Leader*, 18 April 1856, reports it adjourned at "six o'clock".

FRIDAY, 18 APRIL 1856

(333)

MR. SPEAKER laid before the House, — Statements of the Affairs of the Bank of *British North America*, at the close of the year 1854, pursuant to Royal Charter, — and of its *Canadian* Branches and Agencies on the 31st March, 1856; of the *Quebec* Bank, on the 31st March, 1856; of *Molsons* Bank, on the 31st March, 1856; of the *Zimmerman* Bank, on the 31st March, 1856; and of the Commercial Bank of the Midland District, on the 1st April, 1856.

For the said Statements, see Appendix (No. 5.)

The following Petitions were severally brought up, and laid on the table: —

(334)

By Mr. *Brown*, — The Petition of the Reverend *Walter Scott* and others, of *Lachute*; the Petition of *John Brunskill* and others, of the Town of *Thornhill*; the Petition of the Municipality of the Township of *St. Vincent*; the Petition of *James Grier*, Reeve, and others, of the Township of *St. Vincent*; the Petition of *William McDougall* and others, of the Town of *Peterborough* and vicinity; the Petition of *John Stewart* and others, of the Township of *London*; the Petition of *T.J. Henthorn* and others, of the Town of *Peterborough* and vicinity; the Petition of the Presbyterian Church of *Cumminsville* and *Nairn*; the Petition of the Reverend *L. Houghton* and others; and the Petition of *William Beamish*, of the Town of *Port Hope*.

By Mr. *Freeman*, — The Petition of *James White* of the Township of *Trafalgar*, County of *Halton*; and the Petition of the Municipality of the Township of *Glanford*.

By Mr. *Biggar*, — The Petition of *Henry Yardington* and others.

By Mr. *Valois*, — The Petition of *Félix Brunet* and others, of the Parish of *Pointe Claire*.

By Mr. *Poulin*, — The Petition of the Reverend *L.A. Provençal* and others.

By Mr. *Gamble*, — The Petition of *William Gamble* and others, Members of the Millers' Association for *Canada West*.

By Mr. *Clarke*, — The Petition of *Charles Allan* and others, of the Village of *Elora*.

By Mr. *Jean Baptiste Eric Dorion*, — The Petition of the Municipality of the Township of *Dunham*.

By Mr. *Rhodes*, — The Petition of *Robert Hood* and others, of the Township of *Inverness* and other Townships, County of *Megantic*; and the Petition of the *Quebec* and *St. Francis* Mining Company.

Pursuant to the Order of the day the following Petitions were read: —

Of the Municipality of the Parish of *St. Joseph de Soulanges*; and of the Municipality of the Township of *Elgin*; praying for certain amendments to the Municipal and Road Act of 1855.

Of the Town Council of the Town of *Brockville*; praying that the surplus of the Clergy Reserve Fund may be divided among the Municipalities of Towns and Townships in *Upper Canada*.

Of the Town Council of the Town of *Brockville*; praying for certain amendments to the Assessment Laws of *Upper Canada*.

Of *Noble Brown* and others, of the Township of *Hamilton*; praying that the Bill now before the House to repeal an Act passed during the last Session, confirming a Survey between the 6th and 7th concessions of the Township of *Hamilton*, may not become Law.

Of the Municipality of the Township of *East Farnham*; praying for the passing of an Act to create the Counties of *Shefford*, *Missisquoi*, and *Brome* into an independent Judicial District.

Of *F.O. Anderson* and others, of the Town of *Keswick*; of *H. Stennett* and others, of the Town of *Keswick* and vicinity; of *James Griffith* and others, of the Town of *Merrittville*; of *Samuel G. Ogden* and others, of the Township of *Toronto*; of *Isaac Honsberger* and others, of the Township of *Rainham*; of *John McDonald* and others, of the Village of *Tilsonburgh*; of *J.B. Brown* and others, of the Township of *Moulton*, County of *Haldimand*; of *James Kent* junior, and others, of the Townships of *Rainham* and *Walpole*; and of *Robert DeCew* and others, of the

Township of *Oneida*, County of *Haldimand*; praying that representation may be based upon population.

Of *W.G. Cook* and others, of the Township of *Hatley*; and of *Charles Towle* and others, of the Township of *Ascot*, Eastern Townships; praying that one of the contemplated Normal Schools may be located in some part of the Eastern Townships.

Of *D. Davidson* and others, of the City of *Montreal*; praying that the Bill now before the House to relieve *Employés* in Public Departments from Sunday labor, may become Law.

(335) Of *C. Cormier* and others, of the Village of *Plessisville*; and of *H.J. Griffing* and others, of the Village of *L'Avenir*; praying that no further Provincial guarantee may be given to the Grand Trunk Railway Company.¹

Of Mrs. *Stewart* and others, of the Township of *Gloucester*; of Mrs. *Mary Kettles* and others, of the Township of *Gloucester*; of *Donald Robertson* and others, of the Township of *Gloucester*; and of *Charles Kettles*, senior, and others, of the Township of *Gloucester*; praying for the passing of a Prohibitory Liquor Law.

Of *John Crumie* and others, of the Township of *Toronto*; of *John Bell* and others, of the Gore of *Toronto*; and of *William Kellington* and others, of the County of *Peel*; praying that the United Counties of *York* and *Peel* may not be separated.

Of the *Paris* and adjacent Townships Horticultural and Mechanical Association; praying for aid.

Of the Reverend *Robert Rodgers* and others, of the County of *Oxford*; praying that means may be adopted to prevent the unnecessary expenditure of the endowment of King's College.

Of the Municipality of the Township of *South Cayuga*, County of *Haldimand*; and of *William Boylan* and others, of the County of *Lambton*; praying for the repeal of the Separate School Act.

Of the *Toronto* Horticultural Society; praying for the passing of an Act for the encouragement of Horticulture.

Of *John A. Gilchrist* and others, of the Township of *Ops*, County of *Victoria*; and of the Reverend *James A. Thomson* and others, of *Trenton*; praying for the abolition of Sunday labor in the Post Office Department, and on the *St. Lawrence* Canals.

Of the Mayor, Aldermen, and Citizens of the City of *Montreal*; praying that such amendments may be made to the Bill now before the House for the establishment of a Provincial Police Force, that the City of *Montreal* will preserve its right to maintain a Police Force, and not be compelled to contribute towards the expense of the Government Police, nor be deprived of its revenue from Fines levied in the Recorder's Court.

Of the Reverend *A.E. Dufresne* and others, of the Town of *Sherbrooke*; praying aid for the erection of a Convent in the said Town.

Of the Reverend *Ambroise Groulx*, Curé of *St. Benoit*; praying aid for the *L'Hospice Youville*.

The Honorable Mr. *Young*, from the Standing Committee on Public Accounts, presented to the House the Second Report of the said Committee; which was read.

For the said Report, see Appendix (No. 30.)

Sur motion de MR. CAMERON,²

(335) *Resolved*, That this House doth concur in the Address of the Honorable the Legislative Council to His Excellency the Governor General, requesting His Excellency to transmit the Joint Address of both Houses to Her Most Gracious Majesty, on the subject of a Claim for Income Tax under Imperial Statutes on *Canadian* Securities held by Residents in *Canada*, in such a way as His Excellency may deem fit, in order that the same may be laid at the foot of the Throne; that the blank therein be filled up with the words "and Legislative Assembly;" and that the said Address be signed by Mr. Speaker on behalf of this House.

(336) *Resolved*, That a Message be sent to the Honorable the Legislative Council, acquainting their Honors that this House hath agreed to the Address to His Excellency the Governor General, requesting His Excellency to transmit the Joint Address of both Houses to Her Most Gracious Majesty, on the subject of a Claim for Income Tax under Imperial Statutes on *Canadian* Securities held by Residents in *Canada*, by filling up the blank with the words "and Legislative Assembly."

Ordered, That the Honorable Mr. *Cameron* do carry the said Message to the Legislative Council.

Ordered, That the Petition of *Nathan Pawling* and others, of the Village of *Port Dalhousie*, be referred to the Select Committee to which was referred the Petition of *James K. Benson* and others, of the Town of *St. Catharines*.

[On motion of] MR. GAMBLE³,

(336)

Ordered, That the Report of the Law Clerk, under the order of the 8th November, 1854, laid before this House on the eighteenth day of March last, be referred to the Standing Committee on Contingencies, with an Instruction to inquire into the services rendered by Mr. *Keele*, and to report such remuneration therefor as to them, after inquiry, shall appear meet.

Ordered, That the 62nd Rule of this House be suspended as regards a Bill to enable the Municipal Council of the Town of *Cornwall* to appropriate the surplus of certain moneys raised for making a macadamized Road.

Ordered, That Mr. *Roderick McDonald* have leave to bring in a Bill to enable the Municipal Council of the Town of *Cornwall* to appropriate the surplus of certain moneys raised for making a macadamized Road.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. *Papin* have leave to bring in a Bill to provide more effectual means for securing the payment of Life Annuities (*Rentes Viagères*.)

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

[On motion of] MR. FERRIE⁴,

(336)

Ordered, That the Bill to erect the Municipality of the Village of *Galt* into that of a Town, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Ordered, That the Honorable Mr. *Cameron* have leave to bring in a Bill to amend the Act of Incorporation of the *Woodstock* and Lake *Erie* Railway and Harbour Company.

He accordingly presented the Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

MR. J.S. MACDONALD said that without any further preface, after what had been said during the previous discussion, he would move an Address to His Excellency, praying that he will be pleased to recommend an appropriation to be made for the construction of suitable Buildings for the accommodation of the Legislature and Government, in accordance with the vote of this house, declaring that the seat of Government shall be permanently fixed at Quebec.⁵

MR. SOL. GEN. H. SMITH hoped the hon. member for Glengarry would postpone his motion till the members of the Administration had taken their places.⁶

MR. J.S. MACDONALD had no objection.⁷

MR. AT. GEN. J.A. MACDONALD having taken his seat, rose and said he hoped the hon. member for Glengarry would not press his motion.⁸ The Government ... will be prepared to come down and ask for an appropriation, in accordance with the expression of opinion of the house. (Hear, hear.)⁹

MR. J.S. MACDONALD. — When?¹⁰

MR. AT. GEN. J.A. MACDONALD. — During the session, of course.¹¹

MR. BROWN understood that the government as a government were prepared to carry out the vote of the house and make Quebec the permanent Seat of Government.¹²

MR. AT. GEN. J.A. MACDONALD. — The hon. gentleman heard what he said. The government were prepared to come down and ask for an appropriation for the erection of permanent buildings at Quebec¹³, in accordance with the wishes of that House¹⁴.

MR. HOLTON. — The house had up to this moment sent no address to the Crown indicating their choice. This address would have that effect in view of the statement just made on behalf of the government. He supposed that the government would not oppose the address if it were founded on the vote of the majority of the house the other night. He took it for granted that they did not desire the motion for the address, but that they would let it go.¹⁵

MR. AT. GEN. J.A. MACDONALD. — He had no intention of opposing the address.¹⁶

MR. SICOTTE the SPEAKER was going to put the motion when¹⁷ —

MR. HOLTON. — Wait! wait! (Cheers and laughter.)¹⁸

MR. GALT then said that he intended to move an amendment to the motion then before them.¹⁹ This choice of a permanent Seat of Government was a matter on which the Government ought to have come down and made some representation of their views and intention to the House²⁰ on their responsibility as advisers of the Crown. They were placed in this position. A resolution had been passed selecting the city of Quebec as the permanent Seat of Government but nevertheless, he did not believe that this was the opinion of a majority of the house²¹. The votes on Wednesday night had been taken without any reference to the merits of the places voted for as the Seat of Government, and he did not believe²² that it was the intention of the House that the vote selecting Quebec as the permanent Seat of Government should be carried out.²³ If the house was placed in a position which the majority did not think ought to be carried out, the responsibility must attach to the gentlemen on the treasury benches. Holding the views that he did, he thought that a very serious responsibility attached to the Ministry for having allowed the matter to be in the position in which it was, and one of two things they were bound to do — either to carry out the vote of the house, or else resign. — (Ironical cheers.) As he anticipated that there would be a good deal of opposition to the motion for the address, he would postpone his motion until some discussion had taken place on the merits of the question²⁴, giving notice in the meantime that later in the evening he would move an amendment that would attach the proper degree of responsibility to the Ministry.²⁵

MR. BROWN would request his hon. friend from Sherbrooke [Mr. Galt] not to press his motion, as its effect would only be to cause a debate on the subject²⁶ [OR] he intended to oppose the address if the motion was persisted in, but he hoped that his hon. friend [Mr. J.S. Macdonald] would withdraw his motion as it ought to come from the Government; if he did press it there would be a vote upon it. The idea of their granting such a sum of money for permanent buildings at Quebec! (Ironical cheers, and laughter.) He trusted the house would come to a reasonable decision.²⁷

MR. CHISHOLM thought that this house ought not to take the whole respon[s]ibility, and²⁸ hoped hon. gentlemen would bear in mind that it was necessary the other branch of the Legislature should take up this subject. He would therefore move that the resolution of this House respecting the permanent seat of Government be referred to the Legislative Council.²⁹

MR. SICOTTE the SPEAKER asked if the hon. member intended to withdraw his motion.³⁰

MR. J.S. MACDONALD, after some hesitation, and great laughter on the part of the house, replied that he might as well withdraw his motion, especially as he recollected that he had said that if the Government would come down with an appropriation he would not press it.³¹

MR. AT. GEN. J.A. MACDONALD said that before the motion was withdrawn, he wished to say a few words in reply to the remarks of the hon. member for Sherbrooke. That gentleman had taken a most extraordinary position.³² The reason adduced by the hon. member ... for the amendment he intended to move, was because he felt satisfied that the majority of the House were against the proposition.³³

MR. GALT said that the hon. Attorney General was mistaken. What he had stated was, that the majority of the House did not concur in the decision referred to.³⁴

MR. AT. GEN. J.A. MACDONALD would take it as the hon. gentleman had just stated, that the House was not sincere in its vote on that occasion; in other words that those hon. gentlemen favorable to Quebec, were the minority. (Laughter.) That hon. gentleman then very gravely proceeded to state that the Government were bound to carry out the wish so expressed, or resign. (Loud laughter.)³⁵ That is to say, that the ministry must resign if they could not carry out the wishes of a minority of the house.³⁶ (Laughter.) Now, it appeared to him (Attorney General) that that was altogether a new phase of Responsible Government.³⁷ (Laughter and cheers.)³⁸

MR. J.S. MACDONALD (Glengary) understood his hon. friend from Sherbrooke to mean that the vote for Quebec was carried by a circumstance which few hon. gentlemen dreamt of. (Hear, hear and laughter.) In other words that those who wanted a permanent Seat of Government, and voted for Quebec as such, did not intend it ever should go there. (Laughter).³⁹

The motion was then withdrawn.⁴⁰

(336)

Ordered, That Mr. Solicitor General *Smith* have leave to bring in a Bill to amend the Act for the qualification of Justices of the Peace.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Ordered, That the Honorable Mr. Attorney General *Macdonald* have leave to bring in a Bill to authorize the Courts of Queen's Bench, Chancery, and Common Pleas, to admit *Benjamin Walker* to practise as an Attorney and Solicitor therein respectively.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

MR. AT. GEN. J.A. MACDONALD moved to refer the message from His Excellency the Governor General, dated 1st April, 1856, and the documents accompanying the same to a Committee consisting of the Honourable Mr. Spence, Messrs. Stevenson, Gamble, Hartman, Roblin, Bowes and the Mover, to report thereon from time to time, with power to send for persons, papers, and records. This message had reference to the state of the gaols of this Province, which were known to be in a most deplorable condition.⁴¹ The hon. gentleman in explaining the object of his motion, said that not only the present Government, but also previous Governments, had from time to time received presentments from Grand Juries, in Upper Canada, respecting the incomplete accommodation now afforded in the jails. They were not only insecure, unhealthy and improperly arranged, but afforded no means of employment for the prisoners. The juvenile offenders and the aged and hardened criminals were at present, herded together. And the object of his motion was to make a thorough reformation in the system.⁴² The difficulty in this case was that the gaols in Upper Canada were under the control of the municipal authorities. This was a subject of great importance, and the Government had no means of direct action on the municipal councils, and if they were to bring in a Bill for the purpose of conveying to the Government,

or any department of the Government, the power of compelling the erection or enlargement of the gaols, under any fixed plan, or if they were to assume the power of effecting any alteration in the gaols the objection would be raised that they were interfering with the rights of the local authorities, and they would be met with the usual arguments against centralization. He considered on these grounds that the best way would be to proceed as they had done in England, by the reference of the whole matter to a special committee. He had chosen gentlemen fully capable of acting on the subject; they had all been warders except Mr. Bowes, who had been mayor of the city of Toronto, which was a county in itself, and he himself belonged to a city under similar circumstances in which the county gaol had not yet been built. This committee was to ascertain in what respect the present system was defective, and in what way it could be improved. Some of the gaols are in a most wretched condition. There is no one gaol in Canada that can be called a good prison — (hear, hear,) — or that goes further than a mere place of custody. There is no classification of criminals. In many of them there is not even a proper separation of the sexes. The ventilation in most of them is a farce. The means of employing prisoners when undergoing sentence not of sufficient duration to send them to the Penitentiary, is wanting altogether. They live in their cells from the time of their sentence until they are discharged. — With this view the subject had been brought before the house. The present question was peculiarly an Upper Canadian one, because here the gaol system is different from that of Lower Canada, where the Government are directly responsible for the state of the gaols⁴³, and it was proposed to adopt a similar course in Upper Canada.⁴⁴ He desired, however, to add to the committee the name of a gentleman, one of the hon. members for the city of Montreal, the hon. Mr. Young, who, he was given to understand, had paid a great deal of attention to the subject, with a desire of being useful to his country, and who was in a position to speak authoritatively on the subject. He would therefore ask leave of the house to add his name to the committee.⁴⁵

MR. YOUNG said, there was nothing which would have given [him] more pleasure than to have acted upon this committee, but he intended to leave shortly for Europe, and should be absent for some eight or ten months, and therefore would not be able. He thought there was no subject which should more especially engage the attention of Government than this brought forward by the Attorney General West. (Hear, hear.) From visiting gaols in the United States and Canada he was satisfied, that in a great majority of cases, the present system of incarcerating prisoners was more the object of punishment than of moral improvement. (Hear, hear.) In Boston, the principle was recognised, that in the first crime committed by juveniles, they should be taken hold of, not for the purpose of punishment, but improvement. But in the gaol of Montreal old and young offenders were commingled, and the young offender came out an adept in crime.⁴⁶

MR. SOL. GEN. H. SMITH was sorry that the hon. member could not be on the committee for the reason stated. This was a very important subject, and the more so when one has the opportunity of visiting the Assizes, and the Courts throughout the country, and hears the presentments of Grand Juries upon the subject. He had occasion last year to go into many towns of Upper Canada, and he did not recollect, upon any occasion, an Assize being held where the Grand Jury did not present to the Judge a statement setting forth the bad state of the gaols. He was especially struck with the case of the County of Hastings as to which the Jury came to the conclusion, that it was necessary that the gaol should be made secure to guard the prisoners until trial arrived, but yet that the prisoners should be removed each day from their cells to a different apartment, so as to allow of free ventilation of the dormitories; and they also recommended that from the time the party becomes liable for a criminal offence that the country who sustains him is entitled to his labour, and they recommended the construction of workshops where they should work until the time of their trial, and that the value of the labour of the prisoner should be placed at the disposal of the governor of the prison for their improvement. It was, however, within the scope of this committee to recommend what they thought most expedient. (Hear, hear.) He agreed with the hon. member who last spoke as to the great necessity of constructing reformatory

institutions for juvenile offenders, after the system which is found so eminently successful in France and England. Several of the presentments to be laid before the committee allude to the necessity of such institutions. He would suggest in room of the hon. member for Montreal, the hon. member for Peterboro' being placed on the committee. (Hear, hear.) That hon. gentleman was above all others qualified, from his experience, for the question.⁴⁷

MR. ROBINSON said, difficulty had been experienced in making available the labour of young criminals, who were sent to prison for three or four months. Sufficient time was not given for them to learn any useful employment. It was recommended to send them for three or four years in preference to a shorter period, to give them proper time to learn good employment.⁴⁸

MR. SOL. GEN. H. SMITH concurred in this view.⁴⁹

MR. YOUNG ... [agreed] to that entirely. In Massachusetts, boys committed for small crimes, were frequently sent to prison for seven years to East Boston, not as a mode of punishment, but so that during this time they could acquire such learning and trades as to enable them to employ themselves beneficially on coming out. (Hear, hear.)⁵⁰

MR. CAMERON advocated the establishment of a Juvenile Reformatory Asylum, such as were established in the United States⁵¹ and England. The gaol system in Canada was miserable, and no classification of prisoners was made. When he was in England he examined the Reading gaol, and the manner in which it was conducted was excellent. The classification was good, separate apartments provided, and every thing done to render the system all that was desirable; but in Canada the gaols were in such a bad state, that the health of the prisoners was injured. The gaol at Hamilton was in a wretched condition, as every one knew, and he hoped that this Committee would inquire into that gaol, among other things. It was to be considered whether the Government should not issue a Commission in the vacation, and have the whole subject of gaols fully inquired into.⁵²

MR. AT. GEN. J.A. MACDONALD quite agreed with the hon. gentleman. This Committee was properly organized for inquiring into the whole matter. That there would be good deal of difficulty in suggesting a mode by which the municipalities should be required to repair and attend to the Prisons within the municipalities, in a fit manner. It was a very important subject, and all information previously taken on the subject would be laid before the committee.⁵³

DR. CLARKE said there could never be any efficient reform until the system of appointing jailors was changed; very unfit appointments being now frequently made.⁵⁴ (Hear, hear.)⁵⁵

MR. A. DORION (Montreal) was glad to see so much interest manifested on this important subject, but he could assure the house that the gaols of Lower as well as Upper Canada were in the most lamentable condition. (Hear, hear.) He had himself put a notice of motion down to bring before the house the last presentment of the Grand Jury for Montreal, who gave a most shocking statement of the state of the gaol there. They stated (he read from their presentment) "that the present gaol is more the 'House of Corruption' than the 'House of Correction,'" and that in a great number of cases the morals of the prisoners would be better secured by turning them loose upon society, than in keeping them there. The younger prisoners, when they came out, were prepared to commit the grossest description of crimes, from their intercourse in prison with more flagrant offenders. "Young and old in crime, the untried and convicted, the sane and insane, diseased and healthy, are all huddled together without any discrimination," and the Grand Jury sustained this by facts, showing that there was an utter want of personal accommodation and a proper discipline in the gaol, not from the fault of the officers who have care of it, but from the regulations under which it was conducted and the utter impossibility at present to make any efficient classification of criminals, unless alterations in the buildings are made. He

had himself visited this gaol, and was never so much shocked with the aspect presented. (Hear, hear.) He would recommend to the Administration not only to have the reports of gaols in Upper Canada, but also to include the presentments of the different Grand Juries in Lower Canada. Their labour might be made productive.⁵⁶ [He also] recommended that some Lower Canadian names should be added to the Committee, at the same time, he would remark that the member for Lambton, and his fellow Penitentiary Commissioners, had made a most valuable report on this subject, which would be of great service.⁵⁷

MR. AT. GEN. J.A. MACDONALD said he would take care to call the attention of his colleague, the Attorney General East, to the suggestions of the member for Montreal.⁵⁸

MR. ALLEYN concurred in the observations of the member for Montreal, and said that the gaol at Quebec is also in a very bad condition. It is a perfect school for vice.⁵⁹

MR. FELTON cordially concurred in what had been said by the gentlemen who had spoken. — The gaols are in such a bad state that, to his own knowledge, juvenile offenders were allowed to go wholly unpunished in order that they might not be schooled into vice by the older offenders who are incarcerated in the gaols. He understood that new gaols are to be built, and he thought that proper attention ought to be paid to the classification of prisoners.⁶⁰

MR. CONGER expressed his gratification that this question was taken up by the Government. The municipalities had wholly failed to carry out the views enunciated in the presentments of Grand Juries. He agreed perfectly in what had fallen from the member for Montreal, and was quite satisfied that he had not overdrawn the picture.⁶¹

The motion was then put and carried.⁶²

(337)

Resolved, That the Message from His Excellency the Governor General, dated 1st instant, on the subject of Gaols in *Upper Canada*, be referred to a Select Committee, composed of the Honorable Mr. Attorney General *Macdonald*, the Honorable Mr. *Spence*, Mr. *Stevenson*, Mr. *Gamble*, Mr. *Hartman*, Mr. *Roblin*, Mr. *Bowes*, and Mr. *Conger*, to report thereon from time to time; with power to send for persons, papers, and records.

Mr. Speaker communicated to the House the following Letter: —

Governor's Secretary's Office,
Toronto, April 18th, 1856.

Sir, — I am commanded by His Excellency the Governor General to inform you, that it is His Excellency's intention to proceed to the Legislative Council Chamber, on Monday next, at half-past Three o'clock, to assent, in Her Majesty's Name, to certain Bills passed by the Legislative Council and Assembly.

I have the honor to be, Sir,

Your most obedient humble Servant,

R. T. Pennefather.

The Honorable

The Speaker of the Legislative Assembly.

MR. INSP. GEN. CAYLEY said the notice for a resolution to go into committee on the tariff was first on the orders; but though he had expected to find the printed papers on his return to the House, they were not yet here.⁶³ [He] moved that the House would go into Committee of Supply on Tuesday, saying that he would, as soon as possible, lay on the table the Trade and Navigation accounts.⁶⁴

MESSRS. HOLTON and GALT asked whether members could obtain possession of the tables of imports and exports⁶⁵ for '55 before that time.⁶⁶

MR. INSP. GEN. CAYLEY said he had only got the sheets from the printer up to a certain length. He had been hurrying them as much as possible, but could not present them to the House in an unfinished state.⁶⁷ So far he had not been able to furnish more than the tables of imports.⁶⁸

MR. MACKENZIE urged the importance of getting these documents out of the hands of the printer at once. He said there were extensive reports of the Railway Committee which it was important to get, and yet they could not be had.⁶⁹

MR. BROWN said that during the last Session there were many important documents that he wished to get, but could not lay his hands upon them. He believed that the Reports referred to by the hon. member for Haldimand were lying in Quebec, all bound and ready for distribution. They had been sent there to be presented and had never been sent up. He had requested Mr. Patrick to get a few copies for the Library. He thought that before they went into the consideration of these resolutions on the tariff, a copy of which had just been distributed, it was of the utmost importance that they should have the estimates before them. It would be imprudent to go on with the question of an increase of the tariff without having before the House an estimate of the supplies that would require to be met during the year. He hoped therefore, that the hon. Inspector General would bring down his financial budget before they entered into a discussion of the increase that would be required in the customs' duties. This was an important question, and although the same course had been followed before, he hoped the House would not consent to go on with that discussion without having some idea presented to them of the amount which would be required. He would therefore give notice of motion for Tuesday, that the House do not go into committee on these resolutions until they have the financial budget before them. That was the first step, and having had that budget, and the revenues of the past year to guide them, they would be enabled to see how much would be required to meet the liabilities of the present year.⁷⁰

MR. J.S. MACDONALD contended that when it was proposed to increase the taxes, the House ought to know for what purpose this was required, and had a right to have the estimates before it.⁷¹ After the tariff had been voted, the Government would come down with supplementary estimates, and take the House by surprise.⁷²

MR. MACKENZIE concurred in the views expressed by the hon. member for Lambton. The House ought to have before them a clear and distinct statement of the amount of money that would be required to carry on the Government for the year, before they were asked to vote any increase in the taxes of the people. It was absurd to ask them to vote that increase without knowing what it was for.⁷³ The people are to be called on to pay heavy taxes for the purpose of meeting the demands of the Grand Trunk company, and he supposes that they are willing to pay heavier taxes if it be necessary; but he will have to furnish them with his reason for voting this increase of taxation, and the way to do that was to send them copies of the estimates. It looks very unfair to keep the estimates as usual until the close of the session, but perhaps it might be satisfactorily explained.⁷⁴

MR. INSP. GEN. CAYLEY said the same officers who make up the Public Accounts have also to prepare the estimates, and consequently it was only after all those accounts had been gone through they could commence to make up the estimates for the year. He thought that he had already given them a very fair notice of the extra demands which would be made upon them, and which would require this additional duty⁷⁵, [and] that he intended to take steps to put this country in a position to meet its obligations.⁷⁶ The ordinary services of the year would be met by the ordinary revenue. — The increase of the revenue was rendered necessary by the circumstances he had explained a week ago — the difficulties of the Grand Trunk Company⁷⁷ to pay the interest on the bonds.⁷⁸ It was the duty of the Government at an early day to make provision for the payment of that interest, because it should go back to the old country, that as promptly as they got the notice, they as promptly made arrangements to meet the

liability which was incurred. When he was in possession of the estimates he would lay them before the House. This was however an extra supply — and it required to be met by extra means. It was hardly possible that hon. members can say that they have no idea that we should have this additional taxation. He thought it most material that he should lay this matter before the House at as early a day as possible, in order to notify their financial agents and the public at home, that they had made financial arrangements to meet the exigencies of the time.⁷⁹

MR. BROWN said the remarks of the Hon. Inspector General only showed more clearly the necessity of what he (Mr. Brown) had suggested to the House. The Inspector General tells the House he wants this increase in the tariff to meet the exigencies of the times. He [Mr. Brown] would put it to the House whether upon the mere verbal statement of the Inspector General, and from the letter of the Vice-President of the Grand Trunk Railroad, they were⁸⁰ to alter the whole commercial policy of the country, and add 25 per cent. to the tariff,⁸¹ to raise £250,000 of additional taxes from the people. Was it possible that upon the mere statement of this letter, which may or may not be true, that this increase was to be made? A gentleman had arrived in town yesterday from England, from the Company, and he (Mr. Brown) understood that that gentleman repudiates Mr. Brassey's letter⁸²; and as it is known that Mr. Brassey himself is to sail for this country on the 26th⁸³, was it possible that they would at once be called upon to increase the tariff £250,000 a year without an investigation being made⁸⁴, and ... without the proposition of any broad policy whatever on the Grand Trunk subject? He thought this was a matter that required more consideration than could be given before Tuesday night.⁸⁵ He was not prepared to admit that these gentlemen were unable to meet the interest on these debentures. He believed the statement which the Inspector General made to that effect was incorrect. The statement that this interest up to January '56 had to be paid by this country⁸⁶ was evidently erroneous; the interest must have been paid by the company, or it certainly would have been known by the Government before.⁸⁷ And if it turned out that that interest was paid to January, as he had no doubt it would, and that £125,000 only would be required, why should they raise the taxes an additional £250,000? They had a great deal to consider upon this Grand Trunk matter before they should consent to tax the people to pay this interest. He was not prepared to consent to a change in the tariff to meet this interest before a full investigation was made into this matter, because nothing could be more injurious to commerce than a fluctuating tariff. If this was merely a temporary embarrassment they should endeavor to meet it in some other way — by cutting down the budget in some way, — rather than by increasing the taxes. They were not to take it as a foregone conclusion that they must make their financial arrangements to meet the liability of that interest⁸⁸ until it is ascertained that the country actually has to pay it. It is time enough to pay the bill when it is presented.⁸⁹ Let them know the exact position of that Company, and let them have the estimates for the year, and they would be enabled to discuss the matter intelligently.⁹⁰ Again, the Inspector General could not mean to impose those revenue duties without giving notice to importers; there was, therefore, plenty of time for consideration.⁹¹

MR. AT. GEN. J.A. MACDONALD took exception to the argument of the member for Lambton, that the tariff ought not to be raised on the receipt of a letter from a simple Vice-President of the company, stating that the interest due in January has not been paid.⁹² His honorable friend the Inspector General, had explained clearly to the House the necessity of this addition to the tariff.⁹³ On[e] thing is quite clear, that there is no longer any question whether the money has, or has not, been paid, but that the Company is unwilling to pay; and that it is the duty of the House to protect the credit of the country abroad. The notice received from the Vice-President of the Company, he took to be a notice from the Company. The probability of getting our money, is a question totally different from the necessity of protecting the interests of the Province. The member for Lambton said that it is time enough to pay the bill when it is presented — the member for Lambton would be willing to see our bills protested and dishonoured. That might suit his views, but the Government of this Province is bound to look more narrowly after its interests.⁹⁴ He had no doubt the majority of this House would be prepared to accede

to the measures to be submitted by the Inspector General.⁹⁵ If it were ultimately found that the Contractors were in a position to pay, the law would be enforced against them.⁹⁶

MR. J.S. MACDONALD ... said, no man was more desirous to protect the credit of the Province than he was. But⁹⁷ [he] asked, if the interest on the Provincial bonds had not been paid in January, how it was that the Inspector-General knew nothing of it, until he rose in the House the other night. He could not believe that these bonds have been protested, or that the interest was [to be] paid by the country, or else a bill would have been sent in for the amount long ago. The House will expect full information from the Inspector-General on this point, before he asks for an increase of the tariff; and also information as to what the Government intends to do with the unfinished part of the Grand Trunk Railroad; and also whether the President of the Road is about to retire from the Road, because he cannot get his colleagues to enter into his views.⁹⁸ The truth was, the Government wanted to shirk the responsibility of bringing down a scheme for arranging the Grand Trunk affairs⁹⁹. Surely it was not too much that the House should have a correct position of the Company before they were asked to put an additional tax upon the people. Mr. Brassey, it was stated, was to sail from England on the 26th of this month, and he desired before raising taxes upon the country, they should go thoroughly into the whole matter.¹⁰⁰

MR. GALT protested against the action of the Government, in assuming the debts of the Grand Trunk Company, before it is known whether there is any necessity for it to do so. The House ought to know whether there is any necessity for this increase of taxation or not. He could not understand the wisdom of dealing in platitudes about supporting the credit of the country abroad — there is no difference of opinion on that point; the only points on which there may be differences, are, whether there is a necessity for raising an additional sum of money, and the means which should be adopted for that purpose.¹⁰¹ There ought to be, as the member for Lambton said, a thorough investigation of the affairs of the Grand Trunk Company, and a complete account of what was to be done. It was also necessary, before voting the tariff,¹⁰² that the Government do lay before the House a full statement of the estimates required for the year, and then they would be prepared to tax the country to meet their liabilities. It is possible there may be certain items in this budget which the House will think proper to take out. For example, if there are such items as they had before, such as £100,000 for piers below Quebec, this item they should at once strike out, rather than increase the taxation. It was absolutely necessary therefore, that the Inspector General should bring down his budget to the House before they proceeded to discuss the increase to the tariff. That tariff could not be enforced at present, and there was therefore no absolute necessity that it should be pressed with so very great haste.¹⁰³ The hon. Inspector General had affected to blame the opposition for its miscalculation in the tariff of last year. That was because the House had done what it was asked to do now — had voted the tariff without knowing all the circumstances.¹⁰⁴

MR. INSP. GEN. CAYLEY replied to the various remarks which had been made.¹⁰⁵ [He] had already stated that he knew nothing about the January dividends being unpaid, until the letter from the Vice-President was put in his hands; and he was surprised that any member should have a doubt, or make any insinuation, that that was not the case. The member for Sherbrooke is thoroughly conversant with the affairs of the Grand Trunk Company, and was always kept thoroughly posted up, and if he had heard nothing of these difficulties and embarrassments,¹⁰⁶ he should not accuse him (the Inspector General) of want of foresight in not knowing of these difficulties. He did not blame the hon. gentleman because he did not foresee these results; but he did consider it great injustice when he (Mr. Cayley) was charged by that hon. gentleman with want of foresight when he said he was ignorant of these results, although he was not so well posted up on that matter as the hon. member for Sherbrooke.¹⁰⁷ The dividend of next July would amount to £250,000; a sum equal to all the increase of taxes he proposed. It was therefore necessary that the proposed increase of duties should take effect very soon.¹⁰⁸

The motion was then carried.¹⁰⁹

(337) The Honorable Mr. *Cayley* moved, seconded by the Honorable Mr. Attorney General *Macdonald*, That this House will, on Tuesday next, resolve itself into a Committee to consider of certain Resolutions on the subject of certain amendments to the Tariff of Customs.

The Honorable Mr. *Cayley*, a Member of the Executive Council, by command of His Excellency the Governor General, then acquainted the House, That His Excellency having been informed of the subject-matter of this Motion, recommends it to the consideration of the House.

Resolved, That this House will, on Tuesday next, resolve itself into the said Committee.

MR. BROWN gave his notice of motion¹¹⁰ for Tuesday, that the House do not go into Committee on these resolutions until they have the financial budget before them.¹¹¹

MR. SICOTTE the SPEAKER left the chair — it being six o'clock.¹¹²

[After the recess,]

(337) On motion of the Honorable Mr. Attorney General *Drummond*, seconded by the Honorable Mr. *Cartier*,

Ordered, That the Orders of the day be now read.

A Message from the Legislative Council, by *John Fennings Taylor*, Esquire, one of the Masters in Chancery: —

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment, viz: —

Bill, intituled, "An Act to explain and amend the Charter of the City Bank:"

Bill, intituled, "An Act to increase the Capital Stock of the *Port Darlington* Harbour Company."

And then he withdrew.

MR. CRAWFORD moved the House into Committee on the Bill to Incorporate the Buffalo and Lake Huron Railway Company. The hon. gentleman said¹¹³ that as the petitioners against this Bill had withdrawn their opposition there was now no reason why the Bill should not at once be referred to a Committee of the Whole.¹¹⁴

MR. MACKENZIE wished to know if there had been any provision made for the payment of the labourers who had been employed on the road.¹¹⁵

MR. CRAWFORD said that it was impossible to make any provision in the Bill for the payment of the labourers, as the amount due to them was not known, but it was intended that they should be paid. Many of them had sold their claims to Jews and harpies for small sums of money, and he would ask the hon. member if it would be right to pay these men. It was intended that the new company should pay these claims as far as they could ascertain what they really were.¹¹⁶

DR. FRAZER said a few words which were quite inaudible.¹¹⁷

MR. CRAWFORD said he presumed that his hon. friend from Welland was speaking of the labourers, although he could not hear what he said, and he could only repeat what he had just said.¹¹⁸

MR. BROWN said that what the member for Welland said, was, that he had a petition from parties who held claims, and yet were neither Jews nor harpies but respectable farmers and others who had boarded these men, and whose money had helped to build the road. He had no doubt, however, but that the claims of the workmen would be satisfactorily settled. The question under discussion last night

had all been satisfactorily settled by an arrangement between the parties, and he thought that the justice which the company had done these parties was only due to them.¹¹⁹ He was happy to say, therefore, that his motion was rendered unnecessary by the arrangement between the parties. He was glad that arrangement had been made, because it had saved this House from an act of legislation, which they would no doubt have regretted hereafter.¹²⁰ He thought that this ought to be a lesson to the house how they forced on hasty legislation of a dangerous character. Referring to an allusion which had been made to him the other night by the Attorney General and the member for Toronto, that he had not shown the same regard to private rights in the rectory question that he did on this occasion; he defied them to point out a single instance in which he had voted against the protection of private rights.¹²¹ His motion was, however, upon the journals, and it would require to be disposed of. He would, therefore, ask leave to withdraw that motion.¹²²

MR. TERRILL, alluding to the debate last night, said that an analogous case was to be found in a Bill respecting the St. Lawrence and Atlantic Railroad, and it was then stated that legislation of this kind ought not to be permitted. Any legislation was unsafe and improper which took away the rights of any individual or individual corporator, and in this case, although the rights involved might not be large, yet the principle was the same, and although the house might have decided that it was expedient to pass this Bill, it would have been a very dangerous proceeding.¹²³

MR. CRAWFORD said that with regard to the petition spoken of by the member for Welland, he was authorized to state that the payment of the persons there spoken of would be resisted. Of course those who could show any good claims would be paid.¹²⁴

MR. J. MORRISON said that all railroad Acts interfered with vested rights.¹²⁵ What the hon. member for Lambton was trying to bring about was, to deprive the stockholders and every other description of claimants, except the mortgagees, of their rights.¹²⁶

MR. MACKENZIE said that the only course they could pursue towards the persons having claims on the road, was to bind down the new company to pay them.¹²⁷

MR. [A. OR J.] DORION said that there was no similarity between the infringement of private rights, by an ordinary railway Bill and the present question, because in the former case the object was the general good and compensation was given, but here they declared that certain rights were good for nothing which could not be sustained by any railway legislation in England.¹²⁸

The motion was then agreed to, and the house went into Committee on the Bill¹²⁹.

(337) The Order of the day being read, for resuming the adjourned Debate upon the Amendment which was, yesterday, proposed to be made to the Question, That Mr. Speaker do now leave the Chair, (for the House in Committee on the Bill to incorporate the *Buffalo* and Lake *Huron* Railway Company, and for other purposes;) and which Amendment was, That all the words after "That" to the end of the Question be left out, and the words "the Bill be referred back to the Standing Committee on Railroads, Canals, and Telegraph Lines, with an Instruction to make provision in the measure for the protection of the personal rights of *James Stewart*, *William Cook*, and others, so far as they may be affected by the said Bill" inserted instead thereof;

(338) And the Question on the Amendment being again proposed: — The said proposed Amendment was, with the leave of the House, withdrawn.

Then the main Question being put;

Ordered, That Mr. Speaker do now leave the Chair.

The House then resolved itself into the said Committee;

Clauses 1 to 15 were adopted without discussion.¹³⁰

MR. HOLTON objected to the 16th clause which gives power to the Company to navigate and work steamers, &c., either as ferry-boats, or for conveyance of freight and passengers between Goderich and any other port. He did not object to their having ferry-boats, but a very important principle was involved in their being at liberty to run steamers between Goderich and any other port, and it was the duty of the Government to consider whether they should allow it to pass.¹³¹

MR. ROBINSON. — Other railway companies, such as the Great Western, have the same power.¹³²

MR. HOLTON. — The Great Western did not have it originally. The power was conferred on them last year under very exceptional circumstances. They had built steamers to carry their traffic, and all parties affected were willing that the power should be conferred under certain restrictions.¹³³

MR. BROWN quite agreed with the hon. member for Montreal as to the general principle of the impropriety of granting to railroad companies the power of running steamboats. But the difficulty was that they had granted that power to three or four railroads already, and if they gave it to other companies, he did not see why they should not give it to this. If his hon. friend however, would introduce a Bill to sweep it away from them all, he would be glad to go for it.¹³⁴

MR. AT. GEN. DRUMMOND said that this clause merely gave to the company the power which any private individual had at this moment, and he could not see any reasonable objection to it.¹³⁵

MR. HOLTON said, that practically the clause did confer a very exclusive power, because it was quite impossible for private individuals to compete with Railway Corporations doing business with limited liability, and perhaps finding it an object to run off all competition by steamboats, in order to increase the traffic for their own railways. He stated that as the general argument, without any special application to this particular case.¹³⁶

MR. PROV. SEC. CARTIER and MR. MERRITT supported the clause¹³⁷.

[The 16th clause] was finally adopted.¹³⁸

Clauses 17 to 35 were adopted without discussion.¹³⁹

MR. AT. GEN. DRUMMOND moved an addition to clause 36, giving the Company power to make a branch to Bayfield, if they chose¹⁴⁰.

[The 36th clause] was agreed to.¹⁴¹

Clauses 37 to 41 were adopted.¹⁴²

MR. CHRISTIE moved an addition to the 42nd and last clause, to make it clear that the preliminary expenses were to be paid by the new Company¹⁴³.

[The 42nd clause] was agreed to.¹⁴⁴

Several additional clauses were then moved by DR. FRAZER, but were all lost¹⁴⁵.

The Committee rose and reported the Bill as amended.¹⁴⁶

(338)

and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Mackenzie* reported, That the Committee had gone through the Bill, and made amendments thereunto.

Upon MR. SICOTTE the SPEAKER putting the question of Receiving the Report,¹⁴⁷

MR. MACKENZIE wished to observe that he strongly objected to the fact that the Bill took no notice of the claims of farmers and people living along the line, [and] a clause should be put in to that effect.¹⁴⁸

(338)

Ordered, That the Report be now received.

Mr. *Mackenzie* reported the Bill accordingly; and the amendments were read.

Mr. *Crawford* moved, seconded by Mr. *Joseph Curran Morrison*, and the Question being proposed, That the said amendments be now read a second time;

Mr. *Frazer* moved in amendment to the Question, seconded by Mr. *Mackenzie*, That all the words after "That" to the end of the Question be left out, and the words "the Bill be re-committed to a Committee of the whole House, with an Instruction to amend the same, by providing that a Commission to be composed of three or more persons not connected with the *Buffalo, Brantford, and Goderich* Railway Company, nor with the *Buffalo* and *Lake Huron* Railway Company, be appointed to examine into, and determine upon all claims due by the said *Buffalo, Brantford, and Goderich* Railway Company to its officers, servants, and laborers employed in the construction of the said Road, and to provide for the payment of such claims by such Commission" inserted instead thereof;

And the Question being put on the Amendment; the House divided: — And it passed in the Negative.

Then the main Question being put;

Ordered, That the said amendments be now read a second time.

And the said amendments, being read a second time, were agreed to.

Ordered, That the Bill be read the third time on Monday next.

MR. PROV. SEC. CARTIER moved, "The further consideration of the question for receiving the Report of the Committee of the Whole on Common Schools in Lower Canada, and of Mr. Somerville's motion to recommit the same."¹⁴⁹

(338)

The Order of the day being read, for resuming the adjourned Debate upon the Amendment which was, on Tuesday the fifteenth instant, proposed to be made to the Question, That the Resolutions reported from the Committee of the whole House to take into consideration certain Resolutions relating to Common Schools in *Lower Canada*, be now read a second time; and which Amendment was, That all the words after "now" to the end of the Question be left out, and the words "re-committed to a Committee of the whole House, for the purpose of leaving out the first Resolution, and substituting instead thereof, "That the powers of the School Commissioners shall be transferred to and vested in the local Municipal Councils in *Lower Canada*, in so far as relates to raising by assessment and rate, any sums of money for School purposes, and that the said sums so to be raised shall extend to such an amount as may, by said Councils, be deemed sufficient and necessary for the due support and maintenance of Common Schools in their respective Municipalities" inserted instead thereof;

And the Question on the Amendment being again proposed: — The said proposed Amendment was, with leave of the House, withdrawn.

And the Question being again proposed, That the said Resolutions be now read a second time;

MR. SOMERVILLE then moved the adoption of the following resolutions: —

"1st. That the School Commissioners in Lower Canada shall have power to raise by assessment and rate any sums of money which they may deem sufficient and necessary for the due support and maintenance of Common Schools in their respective municipalities.

"2nd. That the local municipal councils be empowered to collect any rate for school purposes on being requested by the School Commissioners, and furnished with the assessment laid by them; and, in such case, the said Councils may sue for and recover the same.

"3rd. That the 2nd resolution be expunged, and the power of establishing Model Schools be left with the Commissioners as now provided by the 14th section of the Lower Canada School Law Amendment Act of 1849.

"4th. That the 4th resolution, setting apart the sum of £450 for the encouragement of a journal of public instruction, be expunged.

"5th. That the sum of £1,000 mentioned in the 3rd resolution, be distributed among the several scholastic municipalities, according to population, to be expended by the School Commissioners in aid of any poor school in their municipality, which they may consider requires it.

"6th. That the several claims in the Act 14 & 15 Vic., cap. 97, relative to the appointment of Common School Inspectors, be repealed."¹⁵⁰

Mr. Somerville in moving his amendments, said, that he regretted very much to have to say that the resolutions of the hon. Provincial Secretary were not of that comprehensive character which the house had a right to expect, and which he was satisfied the country expected. The first resolution proposes to limit the amount of taxation for school purposes. Now he (Mr. S.) could not understand why the same powers should not be entrusted to the people to assess themselves for school purposes, should they desire it, as are now possessed by them for municipal purposes. Under the Lower Canada Municipal Law the Councils may raise, by assessment, taxes to any amount for the construction of roads and bridges, and for all other municipal purposes; but according to this resolution the right of the people to tax themselves to any amount they may think necessary for the education of their children could not be permitted. What reason can be given for this distinction, he was at a loss to conceive. Is it that the education of the people is of secondary importance¹⁵¹? If the commissioners were given the right to tax the people at all, they should have the power of taxation to any amount they deemed requisite. The mode of collecting the assessments was deemed awkward and expensive. In many places the school commissioners and council were made up of the same persons, yet they levied separate taxes and sent out separate collectors, entailing additional and unnecessary expense, and by so much diminishing the sums handed over to the school teachers. If the collections were all made by the municipal councils, there would be no necessity for the proposed increase to the allowance of the Secretary-Treasurer. He thought the £450 proposed to be devoted to the support of the journal of public instruction, would be better applied to the payment of teachers. The fund for their payment was already too small¹⁵². On a previous occasion it was said that education in Lower Canada was far behind that of Upper Canada. One great reason why education progresses so slowly is the fact that school teachers are not sufficiently remunerated, and in consequence men of attainments, instead of becoming teachers, turn their attention to some other occupation; the inducements held out are altogether inadequate..., and unless the people have power to raise more than they now do, the salaries of teachers will continue insufficient. He (Mr. S.) therefore proposed to leave it with the people to tax themselves to any amount they may think necessary, and did not believe there was any danger of such a power being abused — the people were surely the best judges of what they required. He then went on to comment on the different resolutions, and to speak in support of his amendments.¹⁵³ He thought it much better to leave the establishment of model schools to the commissioners, as it was now a matter of discretion with them, rather than impose it as a duty upon the Superintendent. They were the best judges of the necessity for such a school in their own localities. The £5000 given for the salaries of school inspectors might also be much better devoted to the payment of teachers. They (the inspectors) did no great good in promoting education, while the teachers now received no better remuneration than many common laborers. He considered that the clause imposing a school tax upon parents for each of their children, whether they attended school or not, [was] a very unjust and unwise one. It was great hardship upon many poor families. Even very poor men did not like to go up and ask to be relieved of their rate on the ground of poverty, though they were unable to send their children to school from lack of decent clothes or on account of the distance at which they resided from the schools. This clause of the law should be repealed. He felt, too, that the law needed amendment in another respect. Now, all causes of dispute with Commissioners were left to the decision of two Magistrates, and no matter how erroneous their decisions were, there

was no appeal. Even a writ could not be taken. He knew instances in which the Commissioners knew beforehand that judgment would be rendered in their favor. There should be a remedy for this sort of thing. He thought the resolutions of the Provincial Secretary were very meagre indeed, and would not satisfy the country. The best portion of them was that which provided for a course of instruction.¹⁵⁴

MR. J. DORION (Drummond) could cite several instances which would shew that there was a necessity to allow School Commissioners to raise any amount they saw fit. In one parish in his county the allowance was only £20. Yet, the sisters lived so far apart they could not attend one school, and it was impossible with such a sum to support more than one.¹⁵⁵

MR. PROV. SEC. CARTIER said there was some shew of justice in the plea put forth by the hon. gentleman [sic] opposite; but all knew what a cry there had been raised already against the school law because of the tax. They should progress gradually. Another year, or two years hence, whenever public opinion was properly agitated and enlightened on the subject they might give limited power. As the school fund would be raised so as to give at least £30,000, and double that amount allowed to be raised by local assessment, making £90,000 altogether, and when there was added to it the monthly tax he hoped to be raised, the sum would be found sufficient at least for some time to come. He would remind the House that two classes of common schools would receive aid out of the education fund, and thus the common school fund was rather relieved of burdens than encumbered with new ones. He feared much if the monthly tax now imposed only on those able to pay it were taken off, and the whole burden of the local taxation for education thrown upon their real estate, they would have a renewed agitation against the law, such as they had seen demigogues [sic] speaking at church doors to raise up a violent opposition.¹⁵⁶

MR. TERRILL was quite aware that there was an impatience of taxation in Lower Canada, but he did not think it should be so far respected as to prevent the people from taxing themselves through their Commissioners for the maintenance of their own local schools. It must be quite evident to all familiar with the workings of the law that under the limited pow'r [sic] of taxation they could not have efficient schools in a great portion of Lower Canada.¹⁵⁷ He had desired that an additional grant should be made, but if that could not be done, unlimited power of local taxation should be conferred, not merely to the extent of restoring the sums taken for various purposes, as embodied in the main resolutions, but beyond that, in the discretion of the commissioners.¹⁵⁸ The increased amount of the Provincial Funds would go rather to provide new schools for the increased population than to increase the amounts given to those already in existence. Each school in many places now got only about¹⁵⁹ £4 to £6¹⁶⁰ from the Provincial Fund, under the bill allowing them to impose a local tax for only double the amount. They could only raise £12, and every one knew no school could be sustained on that.¹⁶¹ He (Mr. T.) felt convinced that such power would be judiciously exercised by commissioners who were also ratepayers. Could this power be conferred he (Mr. T.) would be in favor of abolishing scholar fees altogether. Resort should be had directly to the valuation roll, and he for one was quite prepared to take the responsibility of declaring that those who held property should pay in proportion for common school education, whether they had children to educate or not. The second resolution in amendment would not remedy the evil complained of; strong arguments might be urged for transferring the powers of the school commissioners to the local municipalities, but this proposed only to confer on them the power to collect the rates assessed by the commissioners. Collision might ensue, from an unwillingness to assume the unpleasant duty of collecting rates laid by another body.¹⁶² There might be some good done by handing over the power of levying the rates altogether to the Council and doing away with the Commissioners. He could not vote for the third or fourth of these resolutions.¹⁶³ He saw no objection to the Council of Public Instruction and¹⁶⁴ *The Journal of Public Education* had been found to be a very excellent thing in Upper Canada. He thought it might confer similar benefits from similar publication in Lower Canada.¹⁶⁵ The proposition of the hon. member for Huntingdon as to the distribution of the £1000 for

schools in poor municipalities, whilst apparently approving the plan in principle, defeated it in detail. If this sum were distributed according to the population of the different municipalities, the rich and populous localities would receive the largest share of a sum intended for the newer settlements.¹⁶⁶ He should ... vote for the first resolution and against all the others.¹⁶⁷

MR. CHABOT believed that the greater part of the people of Lower Canada do not look upon taxation for school purposes as burdensome;¹⁶⁸ but knew it was only a contribution for their own local and personal advantage. He thought however it would be a dangerous power to vest in school commissioners or municipalities to tax to an unlimited amount as some of the council[s] had involved their constituents in expenditure for railroads.¹⁶⁹ He believes that it will be injurious to the interests of education ... [and that] it would have the effect of causing people to cry out against the operation of the law¹⁷⁰. He thought such a provision as the Provincial Secretary proposed was necessary but the limit might be extended to three or four times the amount of the provincial allowance. There were some people too zealous and commissioners might be led astray in the direction of over taxation for schools as well as the other.¹⁷¹

MR. LABERGE held the same opinion as the hon. member who had last spoken. He knew of cases in which commissioners had manifested such a disposition, towards foolish expenditure as to need restraints. He thought perhaps the limit should be extended beyond that proposed by the Provincial Secretary. He did not think a sufficient amount could be raised under it to maintain efficient schools.¹⁷²

DR. MASSON was also opposed to the power of unlimited taxation being vested in the commissioners. He lives in the county of Huntingdon, but his Representative [Mr. Somerville] does not express his views, nor those of the electors of the county. If the power of taxing for school purposes was left unlimited,¹⁷³ they would have rioting again as they had in Dundee where school houses were burned because a tax had been levied¹⁷⁴. The member for Huntingdon cannot deny that school houses were formerly burnt in that county; and he was proud to say that they were not burnt by French Canadians, but by the hon. gentleman's own countrymen. The people in those townships are all Scotch. He mentioned these facts to prove that his countrymen are not averse to education.¹⁷⁵ He was happy to say they were not opposing the paying for schools however where the grant was insufficient they spun it out with voluntary contributions.¹⁷⁶

MR. SANBORN spoke in favor of the two first of Mr. Somerville's resolutions.¹⁷⁷ [He] said that instances had occurred where municipalities had imposed too large an amount of taxation, and it had been found necessary to take proceedings to set that taxation aside. He would be glad to believe, with the member for Quebec, that the people of Lower Canada do not regard taxation for school purposes in the light of ordinary taxation, but as carrying out the natural duty which they owe society, in providing for the education of their children.¹⁷⁸ With regard to the third resolution he did not see why the power [of] establishing models [sic] schools should rest with the Superintendent of Education as some municipalities might desire to have all their schools equally good, at any rate having once distributed the money belonging to the municipalities and he did not know there was any reason to think they had been badly applied. A Journal of Education might be very good but was not unlikely to be very bad and though he would not condemn it he did not think it would be of much utility. As to the 5th resolution he objected that though it was excellent in theory it was most mysterious in practice. It would keep up the system of making certain localities mendicants depending upon a simple department of the Government. Nothing of that sort should be left to the discretion of a Government officer. The Inspectors he thought had done very little good and he would willingly vote for their abolition.¹⁷⁹

MR. CHAPAIIS thought the Inspector[s] did a great deal of good, and believed that a Journal of Education would be a thing, so useful, that it ought to be encouraged by the government, and ought to

be¹⁸⁰ a literary as well as educational periodical.¹⁸¹ The £1,000 grant for poor schools, he thought could not be maintained for divided into too many portions, the £1,000 would be useless to any.¹⁸²

MR. DUFRESNE was opposed to leaving unlimited power of taxation to the School Commissioners.¹⁸³ He was also very far from desiring to expunge the resolution requiring the establishment of model schools or that which provided a grant of £450 for a Journal of Education. He had the same objection to do away with the school inspectors who had done much good by encouraging and keeping in check, not only the schoolmasters but the pupils and the papers.¹⁸⁴

MR. FELTON concurred with the mover of the resolutions in thinking that it would be well to have no limit to the taxation which the municipalities might repose [sic], but believed that it would cause dissatisfaction and that much evil had been already caused by any injudicious taxation. The government plan was already a great extension of the power of taxation and went far enough.¹⁸⁵ [He] said that Elementary Education in Lower Canada was much more generally diffused than in Great Britain, Scotland excepted.¹⁸⁶

MR. SOMERVILLE replied to the arguments which had been urged against his resolutions. — As regarded the first amendment, Parliament last session passed an Act giving the people of Lower Canada power to tax themselves for the construction of roads, bridges, &c., and why then should they not have power given them to tax themselves for educational purposes?¹⁸⁷ The second resolution only gave power to the Municipal Councils to collect rates if the Commissioners thought it proper to do so.¹⁸⁸ The member for Soulages (Dr. Masson), had charged the people of Dundee with burning a school house. — He (Mr. S.) had never heard of that before, and if it did occur, he believed it was the first time that his countrymen had committed such an act¹⁸⁹, and he thought it must have been his (Mr. Masson's) countrymen who did so.¹⁹⁰

DR. MASSON said the case he referred to occurred in the Skye district. He (Dr. Masson) had been sent down as a Commissioner by the government, and the people who were countrymen of the hon. member for Huntingdon, rebelled, and burned the school-house.¹⁹¹

MR. GALT regretted to see so little interest displayed by Upper Canada members in a question which so deeply concerned the lower part of the Province. In a matter of this sort, he thought they were entitled to the assistance of gentlemen who had had more experience of the working of a good school system than they had had in Lower Canada. The first amendment had been opposed on the assumed ground that it asked the government to increase the taxation for school purposes. This was not the case. — The amendment simply proposed that the people of Lower Canada should be allowed to tax themselves as much [as] they saw fit for the education of their own children while the government wished to impose a limit.¹⁹² In the second resolution which was the only other one he would remark on, he would say that there could be no utility in having two sets of tax-gathers, when one could do all the business at the same time.¹⁹³ If Upper Canadian members really desired to remove that ignorance which they were constantly jibing the Lower Canadians about, they should support the amendment of the hon. member for Huntingdon.¹⁹⁴

MR. COOKE (Ottawa) briefly supported the amendments¹⁹⁵. [He] thought that £450 for a Journal of Education was not enough to do any good, and that therefore it was idle to give that sum, and that it would be misch[i]evous to allow the Superintendent of Education to decide where he should distribute school money, as that would cause jealousy between different sections.¹⁹⁶ [He] took occasion to correct an erroneous newspaper report of a former speech he had delivered on this subject. He had not said that the School Inspectors were spies of the Government, but he knew of instances in which they had been made use of by the Government for electioneering purposes.¹⁹⁷ In his county ... the Inspector was perfectly useless and ... did not do his duty, but employed his time in electioneering.¹⁹⁸

Mr. Somerville's first amendment was then put, and negatived¹⁹⁹.

(338) Mr. *Somerville* moved in amendment to the Question, seconded by Mr. *Cooke*, That all the words after "be" to the end of the Question be left out, in order to add the words "re-committed to a Committee of the whole House, with an Instruction to amend the same, by inserting that the School Commissioners in *Lower Canada* shall have power to raise by assessment and rate any sums of money which they may deem sufficient and necessary for the due support and maintenance of Common Schools in their respective Municipalities" instead thereof;

(339) And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Brown, Christie, Cooke, Darche, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Frazer, Galt, Gould, Hartman, Holton, Mackenzie, Mattice, Munro, Sanborn, Somerville, Supple, Terrill, Wright, Yeilding, and Young.* — (23.)

NAYS.

Messieurs *Alleyn, Bourassa, Brodeur, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Clarke, Conger, Crysler, Daly, Charles Daoust, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Egan, Evanturel, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Labelle, Laberge, LeBoutillier, Lemieux, Loranger, Macbeth, Attorney General Macdonald, McCann, Marchildon, Masson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Polette, Poulin, Pouliot, Robinson, Roblin, James Ross, Solicitor General Smith, Spence, Stevenson, Taché, Thibaudeau, Turcotte, and Valois.* — (55.)

So it passed in the Negative.

And the Question being again proposed, That the said Resolutions be now read a second time;

Mr. *Somerville* moved in amendment to the Question, seconded by Mr. *Cooke*, That all the words after "be" to the end of the Question be left out, in order to add the words "re-committed to a Committee of the whole House, with an Instruction to amend the same, by inserting that the local Municipal Councils be empowered to collect any rate for School purposes on being requested by the School Commissioners, and furnished with the assessment laid by them; and in such case the said Council may sue for and recover the same" instead thereof;

And the Question being put on the Amendment; the House divided: — And it passed in the Negative.

And the Question being again proposed, That the said Resolutions be now read a second time;

Mr. *Somerville* moved in amendment to the Question, seconded by Mr. *Cooke*, That all the words after "be" to the end of the Question be left out, in order to add the words "re-committed to a Committee of the whole House, with an Instruction to amend the same, by leaving out the second Resolution, and substituting instead thereof 'That the power of establishing Model Schools be left with the Commissioners as now provided by the fourteenth section of the *Lower Canada* School Law Amendment Act of 1849' " instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

(340)

YEAS.

Messieurs *Aikins, Bourassa, Brown, Christie, Cooke, Charles Daoust, Darche, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Frazer, Galt, Gould, Hartman, Holton, Mackenzie, Mattice, Munro, Sanborn, Somerville, Supple, Valois, Wright, and Young.* — (24.)

NAYS.

Messieurs *Alleyn, Brodeur, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Clarke, Conger, Crysler, Daly, Jean B. Daoust, Desaulniers, Dionne, Attorney General Drummond, Dufresne, Evanturel, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Labelle, Laberge, LeBoutillier, Lemieux, Loranger, Macbeth, Attorney General Macdonald, McCann, Marchildon, Masson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Polette, Poulin,*

Pouliot, Robinson, Roblin, James Ross, Solicitor General Smith, Spence, Stevenson, Taché, Terrill, Thibaudeau, and Turcotte. — (51.)

So it passed in the Negative.

And the Question being again proposed, That the said Resolutions be now read a second time;

Mr. *Somerville* moved in amendment to the Question, seconded by Mr. *Cooke*, That all the words after "be" to the end of the Question be left out, in order to add the words "re-committed to a Committee of the whole House, with an Instruction to leave out the fourth Resolution, setting apart the sum of Four hundred and fifty pounds for the encouragement of a Journal of Public Instruction" instead thereof;

And the Question being put on the Amendment; the House divided: — And it passed in the Negative.

And the Question being again proposed, That the said Resolutions be now read a second time;

Mr. *Somerville* moved in amendment to the Question, seconded by Mr. *Cooke*, That all the words after "be" to the end of the Question be left out, in order to add the words "re-committed to a Committee of the whole House, with an Instruction to amend the same, by inserting that the sum of One thousand pounds, mentioned in the third Resolution, be distributed among the several Scholastic Municipalities according to population, to be expended by the School Commissioners in aid of any poor School in their Municipality, which they may consider requires it" instead thereof;

And the Question being put on the Amendment; the House divided: — And it passed in the Negative.

And the Question being again proposed, That the said Resolutions be now read a second time;

Mr. *Somerville* moved in amendment to the Question, seconded by Mr. *Cooke*, That all the words after "be" to the end of the Question be left out, in order to add the words "re-committed to a Committee of the whole House, with an Instruction to amend the same, by inserting that the several clauses in the Act 14 & 15 Vic. cap. 97, relative to the appointment of Common School Inspectors, be repealed" instead thereof;

(341)

And the Question being put on the Amendment; the House divided: — And it passed in the Negative.

And the Question being again proposed, That the said Resolutions be now read a second time;

Mr. *Somerville* moved in amendment to the Question, seconded by Mr. *Cooke*, That all the words after "be" to the end of the Question be left out, in order to add the words "re-committed to a Committee of the whole House, with an Instruction to amend the same, by inserting that notwithstanding any thing in the *Lower Canada* School Acts, no School Fees shall be payable for any child which does not attend the School in respect of which such Fees are payable, or for any time during which each child shall not attend the School" instead thereof;

And the Question being put on the Amendment; the House divided: — And it passed in the Negative.

And the Question being again proposed, That [the] said Resolutions be now read a second time;

Mr. *Somerville* moved in amendment to the Question, seconded by Mr. *Cooke*, That all the words after "be" to the end of the Question be left out, in order to add the words "re-committed to a Committee of the whole House, with an Instruction to amend the same, by inserting that so much of the 16th section of the said Act passed in the twelfth year of Her Majesty's Reign, as provides that no judgment rendered upon the suits and prosecutions therein referred to shall be liable to be appealed from, and that no such suit or prosecution shall be removed by writ of *certiorari*, shall be and is hereby repealed" instead thereof;

And the Question being put on the Amendment; the House divided: — And it passed in the Negative.

And the Question being again proposed, That the said Resolutions be now read a second time;

Mr. *Laberge* moved in amendment to the Question, seconded by Mr. *Valois*, That all the words after "be" to the end of the Question be left out, in order to add the words "re-committed to a Committee of the whole House, with an Instruction to amend the first Resolution, by inserting between the words 'not exceeding' and the word 'that' the words 'twice the amount of' " instead thereof;

And the Question being put on the Amendment; the House divided: — And it passed in the Negative.

Then the main Question being put;

Ordered, That the said Resolutions be now read a second time.

And the said Resolutions, being read a second time, were agreed to.

Ordered, That the Honorable Mr. *Cartier* have leave to bring in a Bill to amend the Common School Laws, and further to promote Elementary Education in *Lower Canada*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

MR. BROWN wished to draw the attention of the house for a few minutes to a subject which is always considered of moment, under our constitutional system. It had been rumoured in the house to-night that a member of the Government had tendered his resignation to His Excellency the Governor General, and that it has been accepted.²⁰⁰ That was a very grave matter, and some explanations should be given.²⁰¹

MR. AT. GEN. DRUMMOND. — The statement is not correct!²⁰²

MR. AT. GEN. J.A. MACDONALD. — The resignation has not been tendered.²⁰³

MR. HOLTON²⁰⁴ [OR] MR. BROWN. — It is not correct — there has been no resignation? Then there is no more to be said.²⁰⁵

MR. AT. GEN. DRUMMOND did not feel himself at liberty to make any disclosure to the house at this moment. He could merely say that the statement, as made by the hon. member for Lambton, is not correct.²⁰⁶

MR. BROWN was well aware that it was competent to the Attorney General East to make that answer; even had a resignation been tendered, but not yet accepted.²⁰⁷

(341)

Then, on motion of Mr. *Casault*, seconded by Mr. *Jean Baptiste Daoust*,
The House adjourned until Monday next.²⁰⁸

Appendix

[DISCUSSION RE: RETURN TO AN ADDRESS CONCERNING THE CHAMPLAIN AND ST. LAWRENCE CANAL.]

MR. YOUNG called the attention of the Provincial Secretary²⁰⁹ to the fact that he had received an incomplete return to the Address which he had moved for, respecting letters which had been sent by his hon. friend, Mr. Galt, and himself, to the hon. Inspector General, respecting the Champlain and St. Lawrence Canal. Two letters had been sent, whereas only one was included in the return.²¹⁰

MR. PROV. SEC. CARTIER explained that the address was for a return of all correspondence with Government, and the letter that had not been sent down was not with the Government, but a particular member of it. When the Inspector General was asked for the letter, the reply was that it²¹¹ had been mislaid — not having been addressed to him in his official capacity. The Government, as such, had no object in concealing or keeping back any documents the Government had officially received. But if the hon. gentleman would address him a letter, officially, enclosing a copy of the missing letter,²¹² and give a notice of motion for the address, they would send it down to the house²¹³.

MR. INSP. GEN. CAYLEY confirmed the remarks of the Provincial Secretary respecting the letter, and expressed a wish that his (Inspector General's) reply, should be published along with the letters. He would like to state his own views on the matter as he could not announce those of the government — they not having arrived at any decision on the subject. It appeared to him that the note having been placed in his possession informally, he should treat it as such.²¹⁴

MR. YOUNG would object to any opinions accompanying these letters. He wished the correspondence to be placed before the public in a fair light. The hon. gentleman then read a copy of the letter which had been excluded from the return. It was as follows: — ²¹⁵

TORONTO, 17th March, 1856.

To the Hon. Mr. Cayley, Inspector General:

SIR, — We beg to recall your attention to our letter of 27th February, on the subject of placing the canals in the hands of a private company, for the purpose of raising the means of constructing the Lake Champlain Canal, and enlarging the Welland Canal.

It is very important that we should have an early intimation of the views of the Government if these suggestions be favourably entertained as the parties to whom we should look for assistance ought to be communicated with as soon as possible.

On the other hand, we shall rejoice if the delay which has occurred in replying to our letter has arisen from the Government having themselves devised some better plan for obtaining objects that we consider of paramount importance to the trade and commerce of the country, as our plan was only submitted to meet the contingency that in no other way could these objects be attained.

We have the honour to be,

Sir,

Your most obedient servants,

JOHN YOUNG,
A.T. GALT.²¹⁶

MR. INSP. GEN. CAYLEY had no desire to prevent the hon. gentleman publishing his own note.²¹⁷

MR. SICOTTE the SPEAKER explained that the order of the house ought to be carried out by the production of all the correspondence, — the question was what that correspondence was.²¹⁸

MR. GALT, seconded by MR. YOUNG, subsequently moved that an Address be presented to His Excellency, praying that a copy of a letter dated March 17, sent to the Inspector General by Mr. Young and Mr. Galt, be sent down to the House.²¹⁹

In answer to some remarks by MR. INSP. GEN. CAYLEY,²²⁰

MR. GALT said they would be very happy to receive any of his remarks, but would not press for them.²²¹

MR. INSP. GEN. CAYLEY said if a copy of the letter were addressed to the Provincial Secretary, it could then be obtained by the House.²²²

MR. PROV. SEC. CARTIER objected to the want of notice²²³ [and] repeated his statement that if the hon. member for Montreal addressed a letter to him officially, it would be answered.²²⁴

MR. J.S. MACDONALD condemned the Government for not furnishing the return asked by his hon. friend from Montreal.²²⁵

MR. YOUNG said he was sorry for having occupied the time of the House so long on this matter. He would therefore put an end to the discussion by sending the letter to the Press, and giving no notice at all about it.²²⁶

Footnotes

1. *Globe*, 17 April 1856, reports the text of this petition, as follows: "That they learn with alarm that the Canada Grand Trunk Rail Road Company are about to apply for a new and fifth aid from the Legislature; that considering all the aid already afforded to this Company by Government, they are of opinion that it would be most detrimental to the interest of the country, to augment in any manner whatsoever the amount of Provincial Guarantee already awarded to that Company; they therefore pray that your Honorable House will not grant the prayer of the said Company, its Shareholders or Contractors; and they will ever pray."
2. *Telegraph (Le Pays)*, 26 April 1856).
3. *Toronto Daily Leader*, 19 April 1856.
4. *Ibid.*
5. *Globe*, 19 April 1856. This debate was inserted at this point in the proceedings following the chronological order reported in the *Globe* and the *Toronto Daily Leader*.
6. *Toronto Daily Leader*, 19 April 1856.
7. *Ibid.*
8. *Ibid.*
9. *Globe*, 19 April 1856.
10. *Ibid.*
11. *Ibid.*
12. *Ibid.*
13. *Ibid.*
14. *Toronto Daily Leader*, 19 April 1856.
15. *Globe*, 19 April 1856.
16. *Ibid.*
17. *Ibid.*
18. *Ibid.*
19. *Ibid.*
20. *Montreal Gazette*, 21 April 1856.
21. *Globe*, 19 April 1856.
22. *Morning Chronicle*, 23 April 1856.
23. *Toronto Daily Leader*, 19 April 1856.
24. *Globe*, 19 April 1856.
25. *Montreal Gazette*, 21 April 1856.
26. *Toronto Daily Leader*, 19 April 1856.
27. *Globe*, 19 April 1856.
28. *Ibid.*
29. *Toronto Daily Leader*, 19 April 1856.
30. *Globe*, 19 April 1856.
31. *Ibid.*
32. *Ibid.*
33. *Toronto Daily Leader*, 19 April 1856.

34. *Toronto Daily Leader*, 19 April 1856.
35. *Ibid.*
36. *Globe*, 19 April 1856.
37. *Toronto Daily Leader*, 19 April 1856.
38. *Globe*, 19 April 1856.
39. *Toronto Daily Leader*, 19 April 1856.
40. *Globe*, 19 April 1856.
41. *Ibid.*
42. *Toronto Daily Leader*, 19 April 1856.
43. *Globe*, 19 April 1856.
44. *Toronto Daily Leader*, 19 April 1856.
45. *Globe*, 19 April 1856.
46. *Ibid.*
47. *Ibid.*
48. *Ibid.*
49. *Ibid.*
50. *Ibid.*
51. *Toronto Daily Leader*, 19 April 1856.
52. *Globe*, 19 April 1856.
53. *Ibid.*
54. *Toronto Daily Leader*, 19 April 1856.
55. *Globe*, 19 April 1856.
56. *Ibid.*
57. *Montreal Gazette*, 21 April 1856.
58. *Globe*, 19 April 1856.
59. *Ibid.*
60. *Ibid.*
61. *Ibid.*
62. *Toronto Daily Leader*, 19 April 1856.
63. *Ibid.*
64. *Montreal Gazette*, 21 April 1856.
65. *Globe*, 19 April 1856.
66. *Toronto Daily Leader*, 19 April 1856.
67. *Ibid.*
68. *Globe*, 19 April 1856.
69. *Toronto Daily Leader*, 19 April 1856.
70. *Ibid.*
71. *Ibid.*
72. *Montreal Gazette*, 21 April 1856.
73. *Toronto Daily Leader*, 19 April 1856.
74. *Globe*, 19 April 1856.
75. *Toronto Daily Leader*, 19 April 1856.
76. *Globe*, 19 April 1856.
77. *Montreal Gazette*, 21 April 1856.
78. *Globe*, 19 April 1856.
79. *Toronto Daily Leader*, 19 April 1856.
80. *Toronto Daily Leader*, 21 April 1856.
81. *Globe*, 19 April 1856.
82. *Toronto Daily Leader*, 21 April 1856.
83. *Globe*, 19 April 1856.
84. *Toronto Daily Leader*, 21 April 1856.
85. *Montreal Gazette*, 21 April 1856.
86. *Toronto Daily Leader*, 21 April 1856.
87. *Globe*, 19 April 1856.
88. *Toronto Daily Leader*, 21 April 1856.
89. *Globe*, 19 April 1856.

90. *Toronto Daily Leader*, 21 April 1856.
91. *Morning Chronicle*, 23 April 1856.
92. *Globe*, 19 April 1856.
93. *Toronto Daily Leader*, 21 April 1856.
94. *Globe*, 19 April 1856.
95. *Toronto Daily Leader*, 21 April 1856.
96. *Toronto Daily Leader*, 19 April 1856.
97. *Toronto Daily Leader*, 21 April 1856.
98. *Globe*, 19 April 1856.
99. *Montreal Gazette*, 21 April 1856.
100. *Toronto Daily Leader*, 21 April 1856.
101. *Globe*, 19 April 1856.
102. *Montreal Gazette*, 21 April 1856.
103. *Toronto Daily Leader*, 21 April 1856.
104. *Montreal Gazette*, 21 April 1856.
105. *Toronto Daily Leader*, 21 April 1856.
106. *Globe*, 19 April 1856.
107. *Toronto Daily Leader*, 21 April 1856.
108. *Toronto Daily Leader*, 19 April 1856.
109. *Ibid.*
110. *Toronto Daily Leader*, 21 April 1856.
111. *Toronto Daily Leader*, 19 April 1856.
112. *Toronto Daily Leader*, 21 April 1856.
113. *Ibid.*
114. *Globe*, 19 April 1856.
115. *Ibid.*
116. *Ibid.*
117. *Ibid.*
118. *Ibid.*
119. *Ibid.*
120. *Toronto Daily Leader*, 21 April 1856.
121. *Globe*, 19 April 1856.
122. *Toronto Daily Leader*, 21 April 1856.
123. *Globe*, 19 April 1856.
124. *Ibid.*
125. *Ibid.*
126. *Toronto Daily Leader*, 19 April 1856.
127. *Globe*, 19 April 1856.
128. *Globe*, 19 April 1856. This newspaper does not specify whether the speaker was Mr. A. Dorion or Mr. J. Dorion.
129. *Globe*, 19 April 1856.
130. *Ibid.*
131. *Ibid.*
132. *Ibid.*
133. *Ibid.*
134. *Ibid.*
135. *Ibid.*
136. *Ibid.*
137. *Ibid.*
138. *Ibid.*
139. *Ibid.*
140. *Ibid.*
141. *Ibid.*
142. *Ibid.*
143. *Ibid.*
144. *Ibid.*
145. *Ibid.*

146. *Globe*, 19 April 1856. *Toronto Daily Leader*, 21 April 1856, reports that "the committee went through the Bill — making some slight amendments upon some of the clauses; but as the bill had been printed as reported by the Railway Committee no change of any importance was made."
147. *Globe*, 19 April 1856.
148. *Ibid.*
149. *Ibid.*
150. *Ibid.*
151. *Globe*, 21 April 1856.
152. *Montreal Gazette*, 21 April 1856.
153. *Globe*, 21 April 1856.
154. *Montreal Gazette*, 21 April 1856.
155. *Ibid.*
156. *Ibid.*
157. *Ibid.*
158. *Globe*, 21 April 1856.
159. *Montreal Gazette*, 21 April 1856.
160. *Globe*, 21 April 1856.
161. *Montreal Gazette*, 21 April 1856.
162. *Globe*, 21 April 1856.
163. *Montreal Gazette*, 21 April 1856.
164. *Globe*, 21 April 1856.
165. *Montreal Gazette*, 21 April 1856.
166. *Globe*, 21 April 1856.
167. *Montreal Gazette*, 21 April 1856.
168. *Globe*, 19 April 1856.
169. *Montreal Gazette*, 21 April 1856.
170. *Globe*, 19 April 1856.
171. *Montreal Gazette*, 21 April 1856.
172. *Ibid.*
173. *Globe*, 19 April 1856.
174. *Montreal Gazette*, 21 April 1856.
175. *Globe*, 19 April 1856.
176. *Montreal Gazette*, 21 April 1856.
177. *Ibid.*
178. *Globe*, 19 April 1856.
179. *Montreal Gazette*, 21 April 1856.
180. *Ibid.*
181. *Globe*, 19 April 1856.
182. *Montreal Gazette*, 21 April 1856.
183. *Globe*, 19 April 1856. *Montreal Gazette*, 21 April 1856, reports a longer statement which unfortunately contains many grammatical mistakes: "Mr. Dufresne thought that it would be a great mistake to give unlimited power of taxation to the school Commissioners, Commissioners opposed by the law might use such power to make it obnoxious that the great difficulty now was, that the people, that those who had to set the law in motion had too much power. It would never do to give the agitation in the same way, it would be very bad policy to meet this school tax with the road tax, for at present the people of Lower Canada made a great disposition between taxes levied for the spread of intelligence from those employed merely in improving highways."
184. *Montreal Gazette*, 21 April 1856.
185. *Ibid.*
186. *Globe*, 19 April 1856.
187. *Ibid.*
188. *Montreal Gazette*, 21 April 1856.
189. *Globe*, 19 April 1856.
190. *Montreal Gazette*, 21 April 1856.
191. *Globe*, 19 April 1856.
192. *Ibid.*
193. *Montreal Gazette*, 21 April 1856.

194. *Globe*, 19 April 1856.
195. *Globe*, 19 April 1856. *Montreal Gazette*, 21 April 1856, reports that Mr. Cooke "was not very well heard in the gallery, but we understood him to say that he approved of the three first resolutions".
196. *Montreal Gazette*, 21 April 1856.
197. *Globe*, 19 April 1856.
198. *Montreal Gazette*, 21 April 1856.
199. *Globe*, 19 April 1856.
200. *Globe*, 19 April 1856. *Toronto Daily Leader*, 19 April 1856, reports that "Mr. Brown rose and made some remarks which did not reach the gallery. His concluding statement, however was that it had been freely rumored in the House, this day, that one of the members of the Administration had rendered his resignation, and that his resignation had been accepted." The gentleman referred to by Mr. Brown is Mr. John Ross, member of the Executive Council and Speaker of the Legislative Council.
201. *Montreal Gazette*, 21 April 1856.
202. *Globe*, 19 April 1856.
203. *Toronto Daily Leader*, 19 April 1856.
204. *Montreal Gazette*, 21 April 1856.
205. *Globe*, 19 April 1856.
206. *Ibid.*
207. *Ibid.*
208. *Toronto Daily Leader*, 19 April 1856, reports the House adjourned at "a quarter to 12 o'clock."
209. *Globe*, 19 April 1856. This debate was reconstructed in an arbitrary manner since the newspapers reporting it all vary greatly from one another.
210. *Toronto Daily Leader*, 19 April 1856. This newspaper provides two very different accounts of this debate, one of which is part of a synopsis of this day's proceedings. Both reports were used in the reconstruction of the debate.
211. *Toronto Daily Leader*, 19 April 1856.
212. *Ibid.*
213. *Globe*, 19 April 1856.
214. *Toronto Daily Leader*, 19 April 1856.
215. *Ibid.*
216. *Globe*, 19 April 1856.
217. *Toronto Daily Leader*, 19 April 1856.
218. *Hamilton Spectator Semi-Weekly*, 23 April 1856.
219. *Toronto Daily Leader*, 19 April 1856.
220. *Ibid.*
221. *Ibid.*
222. *Ibid.*
223. *Ibid.*
224. *Ibid.*
225. *Ibid.*
226. *Ibid.*

MONDAY, 21 APRIL 1856

(342)

MR. SPEAKER laid before the House, — Statements of the Affairs of the Bank of *Montreal*, on the 29th February, 1856, — and of "*La Banque du Peuple*," on the 1st March, 1856.

For the said Statements, see Appendix (No. 5.)

The following Petitions were severally brought up, and laid on the table: —

By Mr. *DeWitt*, — The Petition of *John Macdonald*, Warden, and others, of the County of *Chateauguay*.

By Mr. *Shaw*, — Two Petitions of the Municipality of the Township of *North Elmsley*.

By Mr. *Gill*, — The Petition of the Reverend *M. Carrier* and others, of the Parish of *St. Antoine de la Baie*.

By Mr. *Brodeur*, — The Petition of the Reverend *Joseph Crévier* and others, of *St. Pie*, County of *Bagot*.

By the Honorable Mr. *Young*, — The Petition of the *Montreal* Board of Trade.

By Mr. *Christie*, — The Petition of *H. Meyers* and others, of the Township of *Onondaga*; and the Petition of the Reverend *W.W. Taylor*, D.D., and others, Members of the United Presbyterian Church of *Montreal*.

By Mr. *Masson*, — The Petition of *George J. Beaudet* and others, of the Parish of *St. Ignace du Côteau du Lac*; and the Petition of *Gaspard Dault* and others, of the Parish of *St. Ignace du Côteau du Lac*.

By Mr. *Dostaler*, — The Petition of *Bénoni Lanoix* and others, of the Parish of *St. Barthelemi*.

By Mr. *Darche*, — The Petition of the Mechanics' Institute and Library Association of the Village of the Basin of *Chambly*; the Petition of *J. Ducharme* and others, of *Mont St. Hilaire de Rouville*; and the Petition of *F. Poutré* and others.

By Mr. *Valois*, — The Petition of *G.G. Gaucher* and others, of the Parish of *Ste. Geneviève*.

By Mr. *Roblin*, — The Petition of *George Wilson* and others, of the Village of *Napanee*.

By Mr. *Jean Baptiste Eric Dorion*, — The Petition of *John Lamir* and others, of the Town of *Sorel*; the Petition of *Louis Monseau* and others, of the Parish of *St. Antonie* [sic], *Baie du Febvre*; the Petition of *Hilaire Allard* and others, of the Village of *L'Avenir*; the Petition of *Louis Prince* and others, of *Stanfold*, County of *Arthabaska*; the Petition of *C. Préfontaine* and others, of the Parish of *St. Marc*, County of *Verchères*; the Petition of *U. Béliveau* and others, of *St. Christophe d'Arthabaska*; the Petition of *Joseph Letarte* and others, of the Village of *Kingsey*; the Petition of *L. Labreche Viger* and others, of the City of *Montreal*; the Petition of *F. Préfontaine* and others, of *South Durham*; the Petition of *James Doyle* and others, of *Durham*, County of *Drummond*; and the Petition of *Lewis Derocher* and others, of *Wickham*.

By the Honorable *John Sandfield Macdonald*, — The Petition of *John Major* and others, of the City of *Toronto*.

By Mr. *Thomas Fortier*, — The Petition of *E.L. Cressé* and others, heirs and representatives at Law of the late *Pierre Michel Cressé*, Co-Seignior of *Nicolet* and *L'Isle de la Fourche*.

By Mr. *Yeilding*, — The Petition of *William Templeman Hewitt* and others, of *Côte St. Charles*, County of *Vaudreuil*.

By Mr. *Holton*, — The Petition of the Natural History Society of *Montreal*; and the Petition of *Ira Gould* and others, of the City of *Montreal*.

(343)

By Mr. *Marchildon*, — The Petition of the Reverend *L.E.F. Dupuis* and others, of the Parish of *Ste. Anne de Lapérade*.

By Mr. *Chapais*, — The Petition of the Municipality of the Parish of *St. Denis de la Bouteillerie*.

By Mr. *Sanborn*, — The Petition of the Municipality of the Township of *Winslow*.

By Mr. *Angus Morrison*, — The Petition of the Town Council of the Town of *Barrie*.

By Mr. *Crysler*, — The Petition of *Henry Bouck* and others, of the Township of *Matilda*.

By Mr. *Mackenzie*, — The Petition of *John Kirk* and others, of the Townships of *Canborough*, *Moulton*, and *Caistor*; the Petition of *Isaac W. Tyson* and others, of the Township of *Waterloo*; the Petition of *S.P. Mabee* and others, of the Township of *Walsingham*; and the Petition of *H.A. Mabee* and others.

By Mr. *Church*, — The Petition of *Samuel Thompson* and others, of the Township of *South Gower*.

By Mr. *Egan*, — The Petition of the Reverend *Michael J. Lynch* and others, Members of the *Aylmer Catholic Institute*.

By Mr. *Frazer*, — The Petition of *Charles Fell* and others.

By Mr. *Alley*, — Two Petitions of the *Quebec* Board of Trade; the Petition of the *Victoria Hospital of Quebec*; and the Petition of the Mayor, Aldermen, and Citizens of the City of *Quebec*.

By the Honorable Mr. *Cameron*, — The Petition of *John Smith* and others, of the *St. Lawrence Ward* of the City of *Toronto*; and the Petition of *Anderson Lewis* and others, of the Town of *Chatham*.

By Mr. *Aikins*, — The Petition of *Z.R. Henderson* and others, of the Townships of *Chingua-cousy* and *Albion*; the Petition of *William Sparrow* and others, of the County of *Perth*; and the Petition of *William Adams* and others, of the Township of *Albion* and the Gore of *Toronto*.

By Mr. *Brown*, — The Petition of *S. Newcomb* and others, of the Village of *Vienna*, Township of *Bayham*; the Petition of *Andrew Hossie*, senior, and others, of the Township of *Moore*; the Petition of *John Bell* and others, of the Township of *London*; and the Petition of *John Hubbard* and others, of the Village of *Vienna*.

By the Honorable Mr. Attorney General *Drummond*, — The Petition of *J.B. Lay* and others, of the County of *Shefford*.

By Mr. *Hartman*, — The Petition of *John White*, of the Township of *Trafalgar*.

By Mr. *Galt*, — The Petition of *A.P. Ball* and others, of the Town of *Sherbrooke*.

By Mr. *Loranger*, — The Petition of the Honorable *Charles D. Day* and others, of the City of *Montreal*.

Pursuant to the Order of the day, the following Petitions were read: —

Of *John White* and others, of the County of *York*; and of *Jacob Snure* and others, of the County of *Lincoln*; praying that means may be adopted to prevent the unnecessary expenditure of the endowment of *King's College*.

Of the Reverend *L.R. Fournier* and others, of the Parish of *Ste. Adèle*, County of *Terrebonne*; and of the Municipality of the Parish of *Ste. Adèle*, County of *Terrebonne*; praying aid to construct Roads and Bridges in the Townships adjoining the said County.

Of the Mayor, Aldermen, and Commonalty of the City of *Hamilton*; praying that the Bill, now before the House, for establishing an efficient system of Police in this Province may not become law.

Of the Reverend *H. Brettargh* and others, of the Village of *Trenton*, County of *Hastings*; praying for an Address to Her Majesty, soliciting the recall from banishment of *William Smith O'Brien*.

Of *George Moberly* and others, of *Collingwood*; praying to be incorporated by the name of "The Lake *Huron* Transit Company."

Of *Joseph Allard* and others, of the Seigniori of the Island of *Montreal*, County of *Jacques Cartier*, *Censitaires*; praying for certain amendments to the Seigniorial Tenure Act of 1854.

Of the Institute of *Rimowski*; praying for aid.

Of the Municipality of the Township of *Walsingham*; of the Municipal Council of the United Counties of *Northumberland* and *Durham*; of the Municipality of the Township of *St. Vincent*; and of the Municipality of the Township of *Glanford*; praying for the repeal of the Separate School Act.

Of *E. Burnham* and others, of the Town of *Picton*; of *William Grant* and others, of the Town of *Peterborough* and vicinity; of *J. Hyde* and others, of the Town of *Stratford*; of *Thomas Beatty* and others, of the Town of *Peterborough* and vicinity; of *James Armstrong* and others, of the Township of *Otonabee*, County of *Peterborough*; of *James Thom* and others, of the City of *Toronto*; of *John Brunskill* and others, of the Town of *Thornhill*; of *James Grier*, Reeve, and others, of the Township of *St. Vincent*; of *William McDougall* and others, of the Town of

Peterborough and vicinity; of *John Stewart* and others, of the Township of *London*; and of *T.J. Henthorn* and others, of the Town of *Peterborough* and vicinity; praying that representation may be based upon population.

Of *Samuel Johnston* and others, of the Township of *Euphemia*; praying that no portion of the County of *Lambton* may be annexed to the County of *Kent*.

Of *John Cockburn*, on behalf of a public meeting held in the Township of *Puslinch*; praying that no Legislative support may be given to Separate Schools.

Of the Honorable Sir *Allan N. MacNab*, President of the Committee for the building of *Brock's* Monument; praying aid to enable them to complete the said Monument.

Of the Reverend *Walter Scott* and others, of *Lachute*; of the Reverend *L. Houghton* and others; and of the Presbyterian Church of *Cumminsville* and *Nairn*; praying for the abolition of Sunday labor in the Post Office Department, and on the *St. Lawrence* Canals.

Of *William Beamish*, of the Town of *Port Hope*; praying for certain amendments to the Act incorporating the *Upper Canada* Trust and Loan Company.

Of *James White*, of the Township of *Trafalgar*, County of *Halton*; praying that the Bill now before the House to vest a certain Road allowance in the Municipality of the Township of *Trafalgar* may not become law.

Of *Henry Yardington* and others; praying for an Act to incorporate the *British Farmers' Union Insurance Company of Brantford*.

Of *Félix Brunet* and others, of the Parish of *Pointe Claire*; praying that no further guarantee may be granted to the Grand Trunk Railroad Company.

Of the Reverend *L.A. Provençal* and others; praying for aid to enable them to repair the Macadamized and Plank Road from the *Chambly* River to the Village of *Granby*.

Of *William Gamble* and others, Members of the Millers' Association for *Canada West*; praying for an Act of Incorporation to enable them to build a Corn Exchange in the City of *Toronto*, and for other purposes therein mentioned.

Of *Charles Allan* and others, of the Village of *Elora*; praying that the Village of *Elora* may be incorporated in accordance with the provisions of the Act 12 Vic. cap. 81.

Of the Municipality of the Township of *Durham*; praying for certain amendments to the Municipal Act of 1855.

Of *Robert Hood* and others, of the Township of *Inverness* and other Townships, County of *Megantic*; praying for an inquiry into the causes of the denial of Justice, in consequence of the suspension of the laws as lately occurred on the trial of the murderers of *Corrigan*.

Of the *Quebec* and *St. Francis* Mining Company; praying for certain amendments to their Act of Incorporation.

Ordered, That the Petition of *James White*, of the Township of *Trafalgar*, County of *Halton*, be referred to the Standing Committee on Miscellaneous Private Bills.

Ordered, That the Petition of *W. Johnston* and others, County of *Peel*, relating to the endowment of King's College, and all other Petitions on the same subject, be referred to the Select Committee to which was referred the Petition of *Skeffington Connor*, L.L.D., and others, late Professors in the Faculties of Law and Medicine in the University of *Toronto*.

The Honorable Mr. *Cameron*, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Seventh Report of the said Committee; which was read, as followeth: —

Your Committee have examined the Bill to change the name of *George Byron Lyon* and his family, by adding the name of "*Fellowes*," and have agreed to report the same without any amendment.

Ordered, That the Bill to change the name of *George Byron Lyon* and his family, by adding the name of "*Fellowes*," be read the third time To-morrow.

Mr. *Stevenson*, from the Standing Committee on Printing, presented to the House the Thirteenth Report of the said Committee; which was read, as followeth: —

Your Committee have examined the contents of the following documents referred to them, viz.: —

The Second Report of the Select Standing Committee on Public Accounts. Your Committee recommend that it be printed, with its Appendix: the usual number of copies. Estimated cost, Eighteen pounds.

The Return to an Address with a copy of a Report by *E.S. DeRottermund*, Esquire, of his exploration on Lakes *Superior* and *Huron*. Your Committee recommend that it be printed; the usual number of copies. Estimated cost, Thirty-five pounds.

The Report of the Chief Superintendent of Emigration for the year 1855. Your Committee also recommend that it be printed, omitting from several of the tables, as marked in pencil, the detail of the number of Emigrants from each particular section of a country, giving the headings and totals only of such tables, — thus dispensing with a quantity of an expensive description of printing, which, in the opinion of Your Committee, would be of no value to the public; the usual number to be printed. Estimated cost, as recommended to be printed, Twenty-two pounds.

The Petition of certain Inhabitants of the County of *Peel*, praying that means be adopted to prevent the unnecessary expenditure of the endowment of King's College, and to prevent a monopoly of the endowment by any single College. Your Committee recommend that this Petition be not printed.

The Honorable Mr. Attorney General *Macdonald* reported from the Select Committee on the Bill to amend, repeal and consolidate the provisions of certain Acts therein mentioned, and to simplify and expedite the proceedings in the Courts of Queen's Bench and Common Pleas in *Upper Canada*, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for To-morrow.

(346)

Ordered, That the 62nd Rule of this House be suspended, as regards a Bill to amend and explain the Charter of the *Brockville* Gas Company.

Ordered, That Mr. *Crawford* have leave to bring in a Bill to amend and explain the Charter of the *Brockville* Gas Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

The Honorable Mr. *Cartier*, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General, — Return to an Address of the Honorable the Legislative Assembly, dated 31st March, 1856, to His Excellency the Governor General, for a Return in detail of all Timber Duties collected by *Charles E. Belle*, Esquire, Crown Timber Agent for the Lower *Ottawa*, for the year 1855, and for other information connected therewith.

For the said Return, see Appendix (No. 36.)

Return to an Address from the Legislative Assembly, to His Excellency the Governor General, dated the 7th instant, praying His Excellency to cause to be laid before this House, a Return shewing in detail the amount paid to the Receiver General in the years 1851, 1852, 1853, 1854, and 1855, by each Municipality in *Upper Canada*, under the Act 13 & 14 Vic. cap. 68, intituled, "An Act to provide Funds for defraying the cost of the erection of the Lunatic Asylum and other Public Buildings in *Upper Canada*," specifying the name of any Municipality which has not paid such tax in any year.

For the said Return, see Appendix (No. 2.)

A Message from His Excellency the Governor General, by *René Kimber*, Esquire, Gentleman Usher of the Black Rod¹: —

Mr. Speaker,

His Excellency the Governor General desires the immediate attendance of this Honorable House in the Legislative Council Chamber.

Accordingly, Mr. Speaker, with the House, went to the Legislative Council Chamber.

And being returned;

Mr. Speaker reported, That agreeable to the commands of His Excellency the Governor General, the House had attended upon His Excellency in the Legislative Council Chamber,

where His Excellency was pleased to give, in Her Majesty's Name, the Royal Assent to the following Public and Private Bills: —

An Act to amend the Act for establishing Freedom of Banking.

An Act to provide for the holding of an additional Term of the Appeal side of the Court of Queen's Bench for *Lower Canada* in the present year.

An Act to change the Tenure of the Indian Lands in the Township of *Durham*.

An Act to repeal in part an Act to provide a remedy against the City of *Quebec* in case of injury to property by Riot.

An Act to explain and amend the Charter of the City Bank.

An Act to remedy a defect in the Act passed in the eighteenth year of Her Majesty's Reign to amend and extend the Acts incorporating the *Champlain* and *St. Lawrence* Railroad Company.

An Act to increase the Capital Stock of the *Port Darlington* Harbour Company.

An Act to facilitate the disuniting of the Counties of *Lincoln* and *Welland*, and for other purposes therein mentioned.

An Act to authorize the commutation of Claims on Ordnance Lands upon the transfer of such Lands to the Province.

The Orders of the Day ... [were then] called, Mr. Brown's notice respecting representation by population, being first on the list².

[MR. BROWN] rose to say, that changes of much importance having taken place in the Ministry, he would hold his motion in abeyance in order to allow the Ministry to ... enter into an explanation. He hoped the Ministry would take that opportunity of offering an explanation with regard to those changes in the Administration.³ The public mind was very strongly excited with them, and he felt assured that the Government would feel prepared to inform the house and the country of the grounds upon which their late colleague had retired from his seat, and the changes which would result from his resignation. He was also assured that the Attorney General East would desire to offer an explanation to the house, especially as to the appointment of the hon. member for Niagara⁴ to a seat in the Cabinet without any ministerial office.⁵

MR. AT. GEN. DRUMMOND rose and said, it was his intention to have announced to the House that the hon. John Ross, recently Speaker of the Legislative Council, had resigned his seat in the Cabinet and also his office; and that His Excellency had been pleased to appoint the hon. E.P. Tache, to be Speaker in the Legislative Council, in the room of the hon. Mr. Ross. He had also to announce that the hon. member for Niagara, Mr. J.C. Morrison, had accepted a seat in the Cabinet, without any parliamentary office⁶ [and] without salary.⁷ He took it for granted that explanations would be given by the other house for the resignation that had there taken place, but the Administration did not feel themselves called upon to give any.⁸

MR. J.S. MACDONALD thought that such an explanation was due to that House. And it appeared to him that in refusing that explanation, the Government were treating that House very lightly and cavalierly.⁹ It was usual for the Government to come down and give information in such matters, and all that they have said has been what every one knew since Saturday. He took it for granted that the Government ought to be prepared to state why one of their colleagues had retired, and why the hon. member for Niagara had taken office. If the Government withheld this, where were they to look for information. The rumours are, that the late Speaker of the Legislative Council felt himself obliged to resign in consequence of a deputation which waited on him from the members of that side of the house who are known to represent the Reform party¹⁰, supporting the administration, at which meeting, those hon. gentlemen signified to the Speaker, that the government did not possess their confidence. And the Attorney General West and Post-Master General were subsequently waited on by this deputation, who also informed those members of the administration, that if in supporting the true position of the Reform party of that House, the members of that party gave the Government an adverse vote, that vote need not

at all surprise them.¹¹ If the Administration refused to give this explanation, it would be well that the members of the Opposition should give them the information they had heard outside, and let them acquiesce in it or contradict it as they thought proper. It was stated that¹² when the feelings of the party he represented had been thus plainly expressed, the Speaker felt himself that he could no longer do honor to himself or his party by remaining in the administration. Before resigning his seat however, that hon. gentleman was, it is said, given to understand, that one or two members of the administration would also go out with him¹³ — (cheers) — but he then found that he was the only one to go out, and that those who had received with him the deputation in a most courteous manner¹⁴ shirked their promise, and left him to stand alone (hear, hear.) He retired, but the other hon. gentlemen could not think of depriving the country of their services, at this juncture, and they accordingly remained. Now, he would like to know what was to prevent those hon. gentlemen informing the House¹⁵ why they had thought proper to continue in. (Hear, hear, and ironical cheers.) They may as well give the information, for if they did not, the members of the opposition would do it for them. (Cheers.)¹⁶ Were they going to shirk a debate on this subject¹⁷? Was the hon. member for Niagara to sit without a bureau, or shall they drive this side of the house to compel them to come out with their statement? They will find in a few minutes that they will be in that position, if they do not come down with their explanation.¹⁸ Unless they had something to conceal, there was no sufficient argument for delay.¹⁹

MR. AT. GEN. DRUMMOND would assure the hon. member for Glengarry that the Government had nothing to conceal in the matter; but in courtesy to both the hon. gentlemen adverted to, that House ought to allow them to make their own explanation. He could not see, however, why the hon. member for Glengarry, who seemed so well informed on the subject, should ask for this explanation. He hoped the House would await the explanation of the hon. gentleman who had resigned his seat in the Cabinet. His hon. friend from Niagara had occasion to go to Hamilton on important business, and would probably return by three or four o'clock in the afternoon, and would make an explanation, when in his place.²⁰

MR. A. DORION (Montreal) stated that the hon. member for Niagara ought not to be allowed to resume his place in that House, when he had accepted office in the Government. The members of the Executive Council were now salaried officers, and have been since the Union.²¹ One of the principles of responsible Government is, that when any hon. member accepts office in the Executive, he vacates his seat or goes to the Upper House, or holds office extraneously. He would like to know on what footing the hon. member, who has taken office, is to keep his seat, without returning to his constituents; for the hon. gentlemen on those benches can only occupy their position at the will of their constituents.²² Under these circumstances, he hoped the Attorney General would inform the House as to the intention of the hon. member for Niagara.²³

MR. AT. GEN. DRUMMOND replied that the hon. member for Niagara would be able to ascertain before the day was over.²⁴

MR. A. DORION. — In order to do so now, he should put a motion in Mr. Speaker's hands declaring the seat vacant, and that a new writ be issued²⁵ for the town of Niagara. (Cheers.)²⁶

MR. SOL. GEN. H. SMITH. — Move it.²⁷

[MR. A. DORION continued:] They had a precedent for that course so long ago as 1832, when a member of [the] Lower Canadian House of Assembly having taken a seat in the Lower House, after accepting office in the Executive Council, although no salary was attached, his seat was declared vacant. There was not only this precedent, but there was another in England in 1839, when it was declared, that although a person had taken office without any emolument, it did not prevent his seat from being declared vacant.²⁸ It was not the paltry consideration of a few hundred pounds which was considered

as rendering a new appeal to a man's constituency necessary, but the true reason was because of the new position he assumed as adviser of the Crown or holding a place in the Cabinet²⁹, so that ... [he] may know whether he has, after accepting office, the confidence of his electors. That was a broader principle to put the question on, than the mere acceptance of a salary. The moment any hon. member has accepted office, whether he has any salary or not, he vacates his seat. He found a precedent in the Lower Canadian House of Assembly that would be in the memory of most of the hon. members — it was the case of the Hon. D. Mondelet, who accepted office in the Council, and pretended that as he was not to receive any salary he did not forfeit his seat. When the question came before the house, this argument was brought up with considerable force, but all the constitutional lawyers in the house, including Mr. Lafontaine, took the opposite side, and³⁰ held his seat to have been vacated, and Mr. Lafontaine seconded the resolution to that effect moved by Mr. Bourdages, ... [which] was passed by the House.³¹ This was on the 24th November 1839. The same question was raised in the Imperial Parliament. The member for Southwark had been appointed to office without salary, and on the motion of Mr. C.W. Windham, one of the most eminent lawyers in England, and an independent member of the house³², the new writ declaring the seat vacant was carried.³³ This was a very important question, and he (Mr. Windham) dwelt upon it at considerable length in a speech from which Mr. Dorion made a short extract, in which it was argued that any member accepting office in the Executive vacated his seat, whether he received a salary or not.³⁴

MR. AT. GEN. DRUMMOND. — The hon. member who last spoke lost sight of the question before the house, which is, whether a writ shall issue. He did not think the conduct of the ministry could affect this question. It was a question of parliamentary disability which has not been established by law. If an hon. member accepts a piece of emolument, then he must vacate his seat. He did not think it was necessary to say anything more about it. The hon. member was quite mistaken about the resolution of the old House of Assembly in 1831. That was not a similar occasion — they had on several occasions passed Bills through the House of Assembly similar to our Independence of Parliament Act of '51, and this resolution was passed until one of those various acts would be adopted, declaring that the seat of any hon. member who shall accept any office or become responsible for any money ... shall be vacated. The hon. member for Lambton attacked him on the ground that the course they adopted was different to that of Lord Durham in his report, that the same constitutional check shall be established here as in England. Had they not there seen the Duke of Wellington holding office for several years as a member of the Privy Council.³⁵

MR. J.S. MACDONALD. — He was not in the House of Commons.³⁶

MR. AT. GEN. DRUMMOND. — Lord John Russell sat in the House of Commons in the same way. He would say nothing further, except that he felt quite sure that the only assistance his hon. friend for Niagara wanted to secure his election was just what the hon. member for Lambton gave at the Peterboro election. He had only to secure the opposition of that hon. member and his election was quite safe.³⁷

A message from His Excellency was announced, commanding the attendance of that House in the Legislative Council Chamber. The members then adjourned to the Council Chamber, where His Excellency gave his assent to a number of bills³⁸.

The members afterwards returned to their own Chamber, where the Speaker read a list of the bills which had just been assented to by His Excellency.³⁹

MR. A. DORION resumed. He quoted from the debates in the Imperial Parliament for the purpose of showing that Mr. Wynn, one of the best authorities on constitutional law, had treated as absurd the argument that a member could accept office to the Executive Council, and⁴⁰ evade the constitutional

rule by divesting himself of the salary.⁴¹ Not only would the acceptance of office as a member of the Executive Council be a virtual infringement on Responsible Government, if the person who accepted did not vacate his seat, but it would also be contrary to actual law, as might be seen by a reference to ... [7th] Vic. cap. 65, and 18th Vic. cap. 86, clause 2.⁴² The first ... [statute] provided that several officers become ineligible to seats in the House and others vacated their seats and required re-election. The independence act of last session also declares that no person holding any office to which a salary is attached should be eligible, except those holding office as Executive Councillor, Receiver General, Inspector General, &c. The Executive Councillor was brought on the same ground, placed under the same category as the Receiver General, Provincial Secretary, &c.⁴³ Of course he understood that the members of the Government would urge that there was no salary attached to this office, that in consequence of the member for Niagara having renounced the salary, the rule did not apply; but exactly the same argument was used in the case of Mr. D. Whittle Harvey, in the Southwark election, and in that case Mr. Harvey's seat was declared vacant. Also in the case of Mr. Mondelet, in Lower Canada, the same argument was used, and yet he was unseated.⁴⁴ He repeated, he thought that the retaining of his seat by the member for Niagara would be a direct violation of the constitution and of the law also. It might be urged that he would only hold this seat for a month or two, till the business of the session was over, and then ask for the renewed confidence of his constituents, but, if he could constitutionally hold his seat for a month, he might hold it for an indefinite period.⁴⁵ To test the question on its merits, I will move precisely in the terms made use of in the case of Mr. Mondelet, "that the acceptance by the hon. J.C. Morrison of a seat in the Executive Council has rendered his seat as member for Niagara vacant, and that a new writ now issue for Niagara."⁴⁶

(346-347)

Mr. *Antoine Aimé Dorion* moved, seconded by Mr. *Galt*, and the Question being proposed, That the acceptance by *Joseph Curran Morrison*, Esquire, a Member of this House, of a Seat in the Executive Council, has rendered his Seat as Member for the Town of *Niagara* vacant; and that a new Writ be now issued for the said Town of *Niagara*;

MR. AT. GEN. J.A. MACDONALD said, that before discussing the question on its merits, he would say a word or two on the previous conversation. The member for Glengary had said, that the Government wanted to avoid, or to use his delicate language, "to shirk" the question, why one of the Ministers had resigned his seat in the Council. If the member for Glengary had exercised his usual diligence, he would have found that the Government, as on the present occasion, pursued the course followed in England; that when a member of the Cabinet resigns his seat, he gives his explanations in the house in which he happens to have a seat, and that no explanations are given in the other House until afterwards. The course pursued by the Government on this occasion is, therefore, that usually pursued. He objected to the question respecting the acceptance of office by the member for Niagara being taken up in his absence⁴⁷. His hon. friend ... was called away unfortunately, to Hamilton, but was expected back every moment, and would be prepared to offer his explanations to the House.⁴⁸ But as the member for Montreal appeared inclined to press his motion on the house, he would observe that the precedents quoted by that hon. gentleman told against him in each case. The office which Mr. Whittle Harvey had accepted had been expressly created for him for the purpose of relieving him from his pecuniary embarrassments, and it would in that case be absurd for him to say that he would not accept any salary for a month or two until a general election took place, and thus avoid the trouble of going down to his constituents; for from that fact alone he would be more dependent than a person in the regular receipt of his salary. In the case of Mr. Mondelet, that gentleman was not merely an adviser, but an administrative officer of the Government. Before the introduction of Responsible Government,⁴⁹ members of the Executive Council were servants and Executive officers of the Crown — not as now advisers — they were understood to be obedient to the wishes of the representative of the Crown. Now they tendered him constitutional advice. At that time too there was a salary attached to the office of Executive Councillor both in Upper and Lower Canada. In the Upper Province it amounted to £100 stg. The mere

renunciation of the salary by Mr. Mondelet did not avail him, since a salary was by law attached to the office.⁵⁰ The cases were not, therefore, analogous. Then the member for Montreal quoted the two Acts of ... [7th] and 18th Vict., as if they stood in his favour. Those Acts point out who are ineligible for seats in the Assembly, and provide that no person receiving an annual salary, or any emoluments, shall be eligible to a seat in the house,⁵¹ with the exception of certain parties — paid members of the Executive — such as the Receiver General, Attorney General; in fact the Administration.⁵² The construction to be put on the second clause of the 86th cap. 18th Vict., is clearly against the member for Montreal, for it declares that any member who accepts an office to which a salary is attached shall vacate his seat; and it follows, of course, that any member accepting an office to which there is no salary attached is not bound to vacate his seat. The truth of the fact is this: gentlemen holding the position of Executive Councillors do not necessarily receive salaries.⁵³ If Parliament should vote a salary to the office of Executive Councillors again, then under the operation of that statute members accepting that office would vacate their seats and not otherwise. The law in England was nearly the same as here. The hon. gentleman, though he had alleged this to be an infringement of constitutional law, had not worked out his propositions and adduced the necessary proof.⁵⁴

MR. A. DORION said the clause included members of the Executive Council among those who should not be eligible.⁵⁵

MR. AT. GEN. J.A. MACDONALD. — Because it might at any time be made a salaried office. The Executive Councillor here stood in the same position as a Privy Councillor in England — he held an analogous office. The Commission issued and the oath taken were precisely the same. The Cabinet Council was a body quite unknown to the British constitution — a Committee of the Privy Council only recognized by usage.⁵⁶ The cabinet is composed of certain persons who are in constant communication with the Governor General, and give him their advice. Now, in England, Privy Councillors are appointed every day from among the members of the House of Commons, and there it is never supposed for a moment that the mere elevation to the Privy Council causes a member to vacate his seat⁵⁷; but they had a serious responsibility. A high constitutional authority had once declared that the Bishop of London, a Privy Councillor but never a Cabinet Minister, was constitutionally responsible for advice he had offered at an interview, because he was Privy Councillor — and the doctrine was admitted.⁵⁸ In the case of Lord John Russell, when he resigned his office as Secretary for Foreign Affairs, but retained his seat in the Privy Council, though unconnected with any department, the subject was fully discussed in the House of Commons, and certain objections were taken to the course pursued by the noble Lord. Mr. Walpole, who argued the case, singularly enough put it on this ground — while admitting the fact, that a Privy Councillor on accepting office without holding a ... portfolio, could not be called on to vacate his seat, it would be inconvenient, as they would not be required to obtain the consent and approbation of their constituents; and Lord John Russell while admitting that the rule did not apply to his case, as he had vacated his seat on accepting the office of Secretary of State for Foreign Affairs, argued that he could hold his seat as a privy councillor, without the necessity of holding a portfolio. On that occasion the principle was clearly and distinctly laid down; and it will be found, on looking over the whole debate, that no objection was taken to his holding any of the high offices in the gift of the Crown, but the objection was raised simply to a member of the Government occupying a seat in the Privy Council, without his being required to go back to his constituents for the purpose of obtaining their assent. It is quite clear that such is the principle both from the statutory law and reason. He did not suppose that there was any one in the house who believed that the member for Niagara had not vacated his seat and gone back to his constituents from any fear of the result. He imagined that when that honourable gentleman once more appeared in his seat, he would be able to show that he is quite as satisfied of having the support of his constituents as any member can be; but that the session is now drawing to a termination, and that he feels he has no right to deprive his constituents — unless he is constitutionally and by law required to do so — of his services as their representative in this house. That hon.

gentleman, he is quite satisfied, knows he is as sure of his seat as any member can be. It is quite clear that the hon. member from his position as an adviser of the Crown, does not vacate his seat. Any privy councillor on being sworn in in England takes precisely the same oaths which have been administered to the member for Niagara. He has precisely the same duties and the same obligations as a privy councillor. It was necessary to draw the line somewhere, and as it was felt that the acceptance of a mere honorary office ought not to disqualify a gentleman from occupying a seat in Parliament, the line was drawn so as to exclude, or to vacate the seat of any one who had accepted an office to which a salary is attached. That is not the position of the hon. member for Niagara.⁵⁹ There, as here, it was a question of an office with a salary attached. Every one can understand the difference which the receipt of salary — the feeling of benefit conferred — made in the independence of any man.⁶⁰ The same view of the question ought to be taken here, and the correct course should be adopted, namely, that whenever a man accepts such an office, that he should go back to his electors, and time should not be permitted to elapse before he is obliged to go back to them, to see whether he enjoys their confidence or not.⁶¹ [But] he considered that it was quite clear from all the statutes on this subject, the precedents, and the reasons which had been given, that when any hon. gentleman in that House accepted a seat in the Executive Council, it was not incumbent on him to resign his seat in that House.⁶²

MR. A. DORION, in reply to the hon. Attorney General West, contended that there was a wide difference between the Privy Council and Executive Council. In no case was such an officer salaried in England, whereas⁶³ the Executive Councillors had always been salaried here, before and since the Union, as well as the heads of Departments. There was nothing to prevent the House again voting salaries to Executive Councillors, without other office.⁶⁴ Even suppose the hon. member for Niagara now refused any salary, could it be supposed that he was going to remain in the Executive for years, without receiving any salary?⁶⁵

MR. AT. GEN. J.A. MACDONALD. — There is nothing to prevent a salary being given to a Colonel of Militia; yet the acceptance of that office did not vacate a man's seat.⁶⁶

MR. A. DORION. — That was especially excepted by law; but in England a salary was in no case attached to the office of Privy Councillor, unless it was connected with the headship of a department. No one believed that the hon. member would continue a Cabinet Minister without a salary for any great length of time; and when he was prepared to go to his constituents he might do so, and claim his arrears. The argument against Lord John Russell's case was very strong here. Here, as in England, if this precedent were admitted, the Cabinet might be filled with men without office, and no appeal made to constituencies for confidence. He did not know whether the hon. member feared to go to his constituents or not, but it was highly important that they should not adopt a bad precedent now.⁶⁷

MR. CAMERON thought the interpretation of the Act 18th Victoria, by the member for Montreal, was not a correct one.⁶⁸ [He] did not think that the cases cited by the hon. member ... were at all in point, but the position taken by the Attorney General East was a proper one. (Hear, hear.)⁶⁹ [He agreed] that the office of Privy Councillor in England, and Executive Councillor here were precisely analogous, and that as Privy Councillors did not vacate their seats, except on the acceptance of office with a salary attached, neither did our Executive Councillors do so here.⁷⁰ In Upper Canada the same course had been followed. The house had voluntarily surrendered the trying of these matters, and in no instance whatever had the House of Commons determined it as a privileged matter away from what the Acts of Parliament laid down.⁷¹ And since the passing of the statute in England all decisions of this sort in England had been guided by the law.⁷² When the law of the land declares that the acceptance of an office of emolument should vacate a seat and declare the party ineligible, certainly none other but such an office could vacate it; but the course recommended by the honourable member for Montreal (Mr. Dorion), was out of all question. (Hear, hear.) The law pointed out that under certain circumstances these officers may

be changed, and that the party who holds an office with which is connected that of Legislative Councillor, does not vacate his seat.⁷³ They ought not to go on and declare by a resolution any one ineligible for a seat in that House or any one's seat vacant, whom the statute did not affect. A similar question to this had been raised in his own case since the Union. When appointed Solicitor General for Upper Canada, he had gone back to his constituents; but when he was given a seat in the Executive Council, still holding that office, though that appointment was canvassed in the House, and objected to on other grounds, neither Mr. Baldwin nor Mr. Lafontaine, then chiefs of opposition⁷⁴ (hear, hear,)⁷⁵ raised a question as to his seat becoming vacant — men not likely to overlook an important constitutional question like that, if it were at all doubtful.⁷⁶

MR. AT. GEN. J.A. MACDONALD said, that the hon. member (Mr. Cameron) was first appointed Solicitor General, he then went to his constituents, and was re-elected, and was then appointed Legislative Councillor.⁷⁷

MR. CAMERON replied in the affirmative. The question was one of discussion, not in the house, but whether he had not in fact by that act vacated his seat, but it was determined that he had not, and by those hon. gentlemen who were then in the house, and who were quite competent to decide. The Act of 18th Victoria did not make any difference in this respect. It was evidently not passed with any view to change the grounds upon which the party was held to vacate a seat, or to be ineligible. It intended to apply to an office which was one of profit or emolument with a salary attached to it. Now the office in question was not such an one, and therefore, the seat could not be vacated, and viewing it so, the motion of the hon. member for Montreal should not prevail.⁷⁸

MR. BROWN said that, without reference to the legal arguments which had been discussed by his hon. friend from Montreal, and other hon. members, there was one argument against this new ministerial arrangement which could not be resisted, and which he desired to place before the house in clearer light than had yet been done. He referred to the grave interference with the constitutional rights of the people which was directly involved in it. (Hear, hear.) With regard to the appointment of the hon. member for Niagara to the office which he had accepted, he was free to say, that so far [sic] as he (Mr. Brown) was personally concerned, having had for fourteen years a very warm attachment to that hon. gentleman, and which he believed had been mutual, that did he believe that his elevation to the cabinet would advance his hon. friend in any way that was worthy of him, no one would rejoice more than himself. But he must confess that he was far from finding subject of gratulation in that view of the case; it was cause of deep regret to him that his hon. friend had been induced to enter what everybody must now consider a scuttled ship. (Hear, hear.) His hon. friend had evidently been seduced into it in a moment of amiability. (Hear, hear.) He knew the chivalrous spirit in all personal matters, in which his hon. friend was apt to act. And he was well persuaded that he had accepted the office tendered him simply because he would not forsake the cabinet in its last days. (Hear, hear.) He sincerely regretted that the hon. gentleman had placed himself in so false a position, and whatever the personal feelings of members might be, there was a duty which hon. members owed to the country that overruled such considerations. In looking at his hon. friend from the point of public duty, he was bound to say that he deeply regretted the course which the honourable member for Niagara had been induced by the Executive to take. Precedents without number might be hunted up, and decisions of all the lawyers in England might be brought to prove the legality of such an appointment; but he frankly confessed they would have no influence on his mind, for he felt there was no application to this case occurring in Canada. (Hear, hear.) Why, what was this proposal? It was, that the head of the Government of this country, the Governor-General, may be advised in all the affairs of this Province by men who have no administrative department — by men over whom the people have no control. (Hear, hear.) What control had the representatives of the people over the hon. gentlemen on the Treasury Benches? Only through the administrative offices they possessed — through the salaries they drew as heads of

departments. (Hear, hear.) Should the majority of this House have confidence in the Ministry, how could they bring their displeasure to bear, except by passing a vote which would have the effect of depriving them of their offices and their salaries? And was not the effect of this new arrangement to deprive them of that power? Undoubtedly it was; and a more injurious evasion of our constitutional system could hardly be devised. (Hear, hear.) It struck at the very root of responsible government⁷⁹, for, if one member of the Cabinet could be taken in without office, all might be, and the Governor General could take his Ministers from persons not in Parliament at all.⁸⁰ It was simply a return to the old irresponsible system of Sir Francis Bond Head. (Hear, hear.) It was to extinguish this very irresponsible system that the old Reformers so long contended; it was against this very evil of the Governor-General calling men to his councils not directly responsible to the people, that Lord Durham chiefly levelled his report; and it was to remedy this evil that Lord Sydenham was sent to this country, and Mr. Harrison moved his resolutions of the 3[r]d September, 1841. And now had it come to this, that they were to go back to that old despotic system? — were they to give up the right that the Executive Councillors shall be heads of departments? — were they to declare that the Governor-General may be advised by gentlemen in this House or out of it? — were they to declare that members of this House, when elevated to the Cabinet, may evade going back to the people for approval? Was it not clear, that if the Governor-General could do as was proposed in one case, he might do so in regard to his whole Cabinet? (Hear, hear.) The very dangerous character of the proposition must be evident to every one; but he would call the attention of the House to a passage in Lord Durham's report on this very point. After suggesting the constitutional and legislative systems which he deemed best for Canada, Lord Durham went on to say: — "The responsibility to the united Legislature of all officers of ... the Government, except the Governor and his Secretary, should be secured by every means known to the British constitution. The Governor, as the Representative of the Crown, *should be instructed that he must carry on his government by Heads of Departments.*" (Hear, hear.) Now, he would first like to ask how, in the face of this great principle, the house could agree to the mode of reconstituting the Cabinet now proposed. Was the hon. member for Niagara to be made a Cabinet Minister, to be charged with full control over the affairs of the country, and yet not go back to the people for them to pronounce their opinion upon his appointment.⁸¹ The House could exercise no control over the member for Niagara. It might pass an Address to his Excellency, but what [need] he care for it.⁸² The Administration was tottering to its fall — caucuses had been held — deputations had been sent — confidence had been withdrawn — one member of the cabinet had refused to remain longer in it — and how was it sought to sustain the tottering fabric? Why by evading an appeal to the people — by patching up the breach by a resort utterly unconstitutional, and showing itself more clearly than before the desperate position in which the Ministry feel themselves.⁸³ He did not complain that the office of Receiver General and Speaker of the Legislative Council were held by one person. But the government had not adopted the change upon any such grounds of economy. It was a mere evasion.⁸⁴ He did hope most sincerely, that the house would not sustain the proposition for a moment. Two great evils must certainly result from it. In the first place, the house would lose that thorough control which it ought to exercise over the Executive; and in the second place, the people would lose that thorough control over their representatives which they should possess. There was nothing more likely to interfere with the present constitution of this country, and to bring it into contempt with the public than the spectacle of politicians making loud professions before the people, obtaining their elections on the strength of those professions, and after coming into that house forgetting all their promises and reversing their political views. But how infinitely would the evil be increased if hon. members were permitted to mount up to the Executive Council Chamber, without passing any popular ordeal. He was well assured that the feeling of the people would be, that this was a wrong proceeding. It was a direct blow at popular control. The Attorney General had hinted that the hon. member for Niagara might go back to his constituents when the session closed; but that now he was needed in his place. He was astonished to hear the Attorney General enunciate an argument so wrong in itself, and which tended to produce such evil results. What! for the sake of meeting a little temporary inconvenience, was our whole constitutional system to be set at naught! The Attorney General also stated, that the hon. member for Niagara

was quite certain to be re-elected. He (Mr. Brown) could only say, that he did not know how that hon. member personally stood before his constituents, and he would offer no opinion on that score; but if he went there as a member of this government, and asked for support as such, with all the sins of the government (hear, hear,) upon his shoulders, he thought that the hon. Attorney General must have strong faith did he fancy he could be returned. The country almost to a man was against the ministry. Only look at the petitions coming in from all quarters upon the great questions at issue between them and the Opposition; look at the public meetings held over the country. The cry came not only from Reformers and Conservatives, but from men of all political shades; they were all united against the present Administration. — (Hear, hear, oh! oh!) Yes, let any one go even through this Tory city and ask the very first man he meets or the last, if he had any confidence in the present coalition, and he will tell you no! — He (Mr. Brown) had not heard for many weeks of one man who ventured to palliate their proceedings. (Hear, hear.) The Attorney General East had declared that it was quite impossible for him now to give any explanation with regard to the resignation of his colleagues [sic]; but was it or was it not the fact, that the Liberal supporters of the Administration had declared, that unless the hon. member for Hamilton (Sir Allan McNab,) was driven out they must withdraw their support; and was it true that the hon. member for Wentworth went along with that party, and that the hon. member who had resigned had the sympathy of that hon. gentleman, and fully expected that when he did resign office that the hon. Postmaster General would resign along with him? (Hear, hear.) If the Speaker of the Upper House before he resigned was induced by the Hon. Postmaster General to believe that he would resign along with him, explanation should be given; no doubt it could be given, and the house was entitled to have it. This was a matter of sufficient moment, unquestionably to be treated with gravity by the Administration. A change in the Executive had always been held to be a matter of the gravest constitutional interest, and one which demanded a distinct explanation why it takes place, and how. In this instance we have a right to know why the late Speaker of the Legislative Council went out, and why another gentleman who went along with him now sat in his room. He hoped the Attorney General would get consent to give those full explanations called for by the circumstances.⁸⁵

MR. AT. GEN. DRUMMOND thought the conduct of the Government had nothing to do with the question now before the House. It was a purely legal question, and he was of opinion that both law and precedent was opposed to the view taken by the hon. member for Montreal. He contended that the course now pursued was not contrary to the suggestion of Lord Durham. That suggestion was, that the principles that obtained in England should be adopted in this country.⁸⁶

MR. JACKSON, in rising to make a few remarks said, he desired to read to the House the explanation, which the hon. the President of the Council had read in the Upper House this day, for having resigned his connexion with the present Administration. The hon. gentleman here read the hon. Mr. Ross's explanation⁸⁷:

ST. GEORGE'S SQUARE,
Toronto, 18th April, 1856.

MY DEAR COLONEL TACHE,

In consequence of the illness of Sir Allan McNab, I am obliged to address this communication to you as one of the leaders under whom the present coalition government was formed, and also as the senior Executive Councillor presiding over the deliberations of the Executive Council in the absence of the Premier.

On Tuesday last, at 3 p.m., Mr. S. Niles and Mr. Conger, two of the members of the House of Assembly, called upon Mr. Attorney General Macdonald, Mr. Spence and myself, and informed us that they had been sent as a deputation from the Reform supporters of the Administration in that branch of the Legislature to state, that they had held a meeting, and had unanimously agreed to convey to us the expression of the dissatisfaction they felt with the present condition of things in the government, and of their desire no longer to be considered as pledged supporters of the government; that they,

therefore, felt at liberty to avail themselves of any opportunity to defeat the government with a view to its re-construction.

Mr. Macdonald replied to Mr. Niles and Mr. Conger, that their communication ought to be conveyed to Sir Allan McNab, or, in his state of health, to yourself.

The members of the Executive Council were immediately informed by Mr. Macdonald of all that had taken place at the interview to which I allude. You are aware that I was obliged to meet the Legislative Council on the afternoon in question, and had only time for a moment's conversation with you on the subject. On the next morning (Wednesday), after having had full time to reflect upon the intimation coming through Messrs. Conger and Niles on behalf of the Reform supporters of the Government I felt that for my own part I could not in fairness continue to remain a member of a Government with which my friends, upon the faith of whose support I have been invited to accept office, had expressed their dissatisfaction, and which they had intimated their intention to defeat. I called upon Mr. Macdonald and Mr. Spence and frankly told them it was my intention, under the circumstances, to tender my resignation. Mr. Spence was ill, and could not attend a meeting of Council on that day. On the evening of Wednesday some of the gentlemen who had been present at the meeting referred to, came to me and said they had understood from Mr. Spence that I intended to resign, and expressed a hope that I would not do so. I replied that in such case the intimation conveyed by Mr. Niles and Mr. Conger should be withdrawn, in as formal a manner as it had been made. Sufficient time has now elapsed, and the communication made by Messrs. Niles and Conger remains as it stood on Tuesday. I feel, therefore, constrained to resign my seat in the Cabinet and the office which I hold in the Government; and beg that you will become the medium of communicating the intimation to His Excellency the Governor General, to whom I shall always feel deeply grateful, for the consideration and kindness he has shown me, during the period I have had the honour to serve him. Before concluding, I ought to call to your mind this fact, that, when the Government was defeated upon the question of maintaining the independence of the Bench in the person of Judge Duval, I pressed upon you and my other colleagues, that the Administration should resign, and afford His Excellency the Governor General an opportunity of seeking the aid of the gentleman who had caused our defeat; I pointed out that we should be unable to carry a motion to rescind the vote of the House of Assembly, and that we should not be justified in resorting to a dissolution. I urged, further, that the Coalition was virtually at an end — that the support which Sir Allan MacNab had brought to the Government had been withdrawn — and that the Reform supporters of the Government could not, in my opinion, be long induced to support the Administration, while some of the supporters of Sir Allan MacNab were apparently endeavouring to make strength for themselves, at the expense of the Reformers.

As I then anticipated, we have never, as a Government, recovered from the consequences of that vote.

Coalition Governments can only be justified from the necessities which create them; and unless all the conditions under which they are formed be carefully observed, they cannot continue.

I separate myself from you, and from my other colleagues, with regret, and assuring you, and them through you, of my unabated regard,

I remain,

My dear Tache,

Yours, very sincerely,

JNO. ROSS.

Lieut.-Col. the Hon. E.P. Tache.⁸⁸

[Mr. Jackson] then said — I have no remarks to make upon that document; I was present at the meeting alluded to, and unless its correctness be called in question, I think it unnecessary to add anything myself further. It is my intention to propose an amendment to the motion which is in your hands, Mr. Speaker. But before doing so, I think it due to this House, to make a few remarks, and I trust they will bear with me.⁸⁹ When the coalition government was formed, it was evidently the necessity of the

hour, and was formed for the purpose of carrying out⁹⁰ some definite objects and views. These it is well known were the Clergy Reserves Bill and the Seigniorial Tenure question. I supported the measures the Government brought forward on these two occasions, and my opinion was, and is, that they were fully and fairly settled, and that the Government deserves well of this country for the manner in which they carried out the intentions and expressed desires of the people. At the conclusion of the last session, a measure was passed to which allusion was made at the opening of this session, to which I wish to call the attention of the House for a moment as in the report of the *Globe* upon these proceeding[s] I am made to say I supported Separate Schools. I know the gentlemen who report for the *Globe* are too honorable to misrepresent my statements knowingly, and it must have been in consequence of the awkward [sic] position in which ... they are placed for hearing that my remarks were so stated. I stated then, and again state, that I do not approve of Separate Schools. I stated that if we had a School Bill which would secure a thorough[ly] national system of Education, that it was utterly impossible for Separate Schools to exist. At the commencement of the present session the Administration were still supported by those who supported it during last session. But it soon became apparent that the Coalition Government had accomplished the object for which it was created; and there cannot, I think, be two opinions in this House, that at this moment Government does not possess to the same extent the confidence of this House which it did at the opening of the present session. (Hear, hear.) It is perfectly apparent that they have failed to grapple with some of the important questions which presented themselves. I refer to the Temperance question as one, and to the Seat of Government question as another. The Attorney General East said that the Seat of Government question was one of the most important questions that could come up. But important as it was, the Government did not take it up. They had no policy whatever on it; but left it to its fate in the House. Since then, it was said by the Attorney General himself to be one of the most important questions that was grappled with by the Government. I think the hon. gentlemen of this House have had sufficient evidence of the correctness of these remarks. (Hear, hear.) Besides, we are now in about the tenth week of the session⁹¹ and what had been done. (Hear, hear.) It was quite true that they had introduced some measures, but it was also evident that they had not ventured to bring any of them to a second reading.⁹²

Loud cheers from the opposition.⁹³

[MR. JACKSON:] The time of the House has been taken up by desultory debates, and it is quite evident that the government can not control it. From the adverse vote on the ... [Duval] case, the government have not recovered, for after an adjournment for one week, the government was re-instated in the favor of this House by a very equivocal vote, (hear, hear.) It was stated by the Attorney General West the other day, that a meeting of the Liberal Conservatives had been held, and that a deputation from that meeting had waited upon him, and told him they were dissatisfied with the position of the government, and they wished the Attorney General to become their leader⁹⁴.

MR. AT. GEN. J.A. MACDONALD. — No! No!⁹⁵

MR. JACKSON. — Well he had not rebuked them for doing so. (Cheers.)⁹⁶ I regarded that as a clear intimation on their part, that they were dissatisfied with existing administrative arrangements.⁹⁷ Then there was a caucus of the Reform members, the object of that meeting was to intimate to the Government that their Reform supporters desired to be relieved of any responsibility to the Government. They did not desire to desert the Government or to go into opposition without giving them due notice of their intention. The hon. member for Niagara, who has a seat in the Cabinet, was a member of the caucus. He was one who took part in the declaration that they intended to defeat the Government at the first opportunity.⁹⁸

Hear, hear, and cheers from the Opposition.⁹⁹

[MR. JACKSON continued:] I cannot for one moment suppose that any of the members of the administration waited upon, supposed that these persons were delegated to offer their support to the Attorney General ... [or to] any other member of that administration. I think Mr. Conger and Mr. Niles clearly and intelligibly stated to these hon. gentlemen, the purport of the resolutions come to at that meeting. I have stated there are symptoms of weakness in the Government. I wish not to exaggerate these matters, for I have no design in endeavoring to make a case against the Government — by no means — but I intend to speak honestly and frankly in giving expression to my views. (Hear, hear.) When last week the hon. member for Lambton held up his finger very portentously, towards the Inspector General, and stated that that hon. gentleman was about to bring the country to that position in which it was brought in 1848, and which required the talents and energies and services of a vigorous-minded man to bring to rights again. (Hear, hear.) This statement having been made before the House, and not yet contradicted, I regard it as a symptom of weakness in the administration. Again, the hon. member for Brome the other evening stated¹⁰⁰ that the head of the Government, who was in charge¹⁰¹ of the Bureau of Agriculture had inefficiently discharged his duties. This remark he would remind hon. gentlemen was made when the hon. member for Prince Edwards brought up his report from the Printing committee. He stated that that document which had come from that department contained a great deal that was not worth printing, that it was too voluminous, and the hon. member for Brome said he wished to state that if the head of the department from which that document came, had been efficient — such a document would never have been presented to this House. It is perfectly well known that the honorable Postmaster General and the Honorable Mr. Ross represented in the administration, the reform members of this House. And now the confidence of the Reform members has been withdrawn from the administration and they have had an intimation of the fact. The hon. Mr. Ross has recognized the standard of responsible government which has been erected and he has bowed before it.¹⁰² He has given evidence of possessing more regard for honour than for place¹⁰³ [and] of a keen recognition of the principle of responsible government, for as soon as notice was given him that we did not retain our sympathy of these Reform members whom he represented, that gentleman in a manly, open manner, and in a manner which must meet the approval of this House, (hear, hear,) withdrew from the administration, and the hon. member for Niagara has been introduced into his place. And has the Executive received strength by this addition, is its complexion varied one single shade by the introduction of the hon. member for Niagara? (Hear, hear.) I cannot conceive that strength is brought to the administration by his admission, but as the hon. gentleman is not in his place, I will say nothing further. It would be unbecoming in me to make any remarks that would be considered as alluding towards personality. But I may remark that he has placed himself in rather an awkward position. If Government had not the confidence of the Reform members of this House, it must be evident that confidence cannot be restored by the introduction of the hon. member for Niagara, who acceded to the fullest extent in the resolution come to by the Reform members of the House¹⁰⁴ which led to the resignation of the Hon. Mr. Ross. (Cheers.)¹⁰⁵ I don't wish to indulge in any further remarks. I don't wish to elaborate any of the points to which I have already referred. But I shall on the present occasion simply define my position. I think it my duty to state distinctly, that I cannot, consistently with my views as a reformer, with my views of what is due from a public man, support the present government. It has lost the confidence of the various Reform constituencies. You cannot take up a newspaper without seeing that it meets with utter contempt from all classes. (Hear, hear.)¹⁰⁶ It has nothing to gain, and it has become worse than useless. It is marked by a degree of political immorality which has not characterised any Government since the introduction of responsible government. For his own part he should prefer that there should be a direct appeal to the country. (Hear, hear.) There had been none since the extension of the franchise¹⁰⁷. The constituencies of this country are not represented, and rather than the members should be kept here without having made the slightest progress since the commencement of the session, I honestly and solemnly declare that it was the duty of the administration to make a change¹⁰⁸; and unless the Government did what was in accordance with the views of the house, Parliament should be dissolved. His amendment was, that all the words after Council be

struck out, and the following inserted: Is not calculated to increase the confidence of this house in the Administration. The motion as amended would read thus: — "That the acceptance of a seat in the Executive Council by Joseph Curran Morrison, is not calculated to increase the confidence of this house in the Administration."¹⁰⁹

MR. POST. GEN. SPENCE regretted exceedingly that the remarks of the hon. Attorney General West had not been attended to; that any explanation in reference to the hon. member for Niagara should have been reserved until that hon. gentleman was in his place. It was due to that hon. gentleman who has been alluded to several times, not only in consequence of his supporting the Government, but also from his having attended the caucus and his acceptance of office, and consequently his right to a seat in this House. It was due to that hon. gentleman that these remarks should have been reserved until he was here.¹¹⁰ The hon. member who had just taken his seat, and whom, he trusted, he might still call his friend, for he was the truest political friend that any Government could have, until within the last few hours — from no man had any Government ever received more support, or more sympathy, than from that hon. gentleman — that hon. gentleman had gone over a great deal of ground in making this motion, and he (Mr. Spence) trusted that he would be allowed some latitude in replying to those remarks. That hon. gentleman commenced by reading the letter of the late Speaker of the Legislative Council. Now, he had only to say that the members of the Government had the support and assistance of the Speaker of the Legislative Council, until a very late period. They had reason to think, as a Government, that they had no less reason to claim the support of that hon. gentleman at any time, from the formation of the Government, until last week. Mr. Niles and Mr. Conger have been alluded to as having been instrumental in conveying to the Speaker of the Council the want of confidence felt in the Administration by some of their former friends and supporters; and under correction of these two hon. gentlemen, he would state what he knew of that transaction. On Tuesday or Wednesday, the Attorney-General West informed him that there was in his room a deputation from the supporters of the Government, and invited his attendance. He was present, and heard them communicate to the Attorney-General West a message from a confidential caucus; and he would here state that he doubted very much whether it was the intention or expectation of the Ministerial supporters, his friends, when they went to that caucus, that there would have been any revelation of the proceedings held there, or that any publicity would have been given to them, to the extent that had this day been witnessed.¹¹¹ He doubted very much that they would have gone there had they had any idea that the proceedings of that meeting were to be revealed. He understood perfectly well their feelings in the matter. He considered himself as sensitive to the role of duty as any man in this House, and¹¹² he would remind his hon. friends that he had repeatedly assured them, that whenever the time arrived when they felt that they could not give him that cordial and hearty support necessary to his position as a Minister, he would at once be ready to resign his trust. He reminded them of it again on this occasion, and they assured him that they had no wish to break up the Administration, or to compel either himself or the Speaker of the Legislative Council to resign.¹¹³ He was speaking in the hearing of several of these hon. gentlemen and he would pause for a moment to ascertain from these gentlemen if any of these gentlemen intimated to him that they considered it was his duty to retire — and thereby assist in breaking up the Government. (Hear, hear.) These gentlemen intimated to the Attorney General, what was not altogether news — what was in fact well known throughout the city and the country, that there was a most disagreeable feeling and dissatisfaction with the existing administration. But what Government ever existed that had not active opponents? What Government after it had been 18 months in existence did not excite the opposition of many of those who were once friendly to it? The nature and tendency of all Governments is towards dissolution. It was only a mere question of time, and this Government is no exception to the general rule. No Government that ever existed was intended to last for ever. It was no surprise to see these hon. gentlemen. It is no surprise to those who peruse the columns of the *Globe* from week to week that there was a strong feeling against the Government — because that Government had dared to speak the sentiments of the whole people of the country — and not of a section — because that Government

has dared to take a stand upon broad constitutional grounds, and to make the maintenance of the union the basis of their legislation, and to afford by our legislation a cure for these evils of which hon. gentlemen complain. These gentlemen¹¹⁴ intimated to the Attorney General West that there was a certain amount of dissatisfaction, and really he and the late Speaker of the Legislative Council did not seem to be surprised at it; but neither the Attorney General West nor the Speaker of the Council seemed to think that there was any necessity for taking ulterior steps. Neither of them said, "We will go to the Governor General and tender our resignation." It was not even thought of. The Speaker of the Legislative Council did not think of it at that time, and he did not know that that gentleman entertained any such view until he was informed of it the next day.¹¹⁵ That hon. gentleman called upon him, but he was unwell and unable to go to the Council. He [Mr. Ross] stated that it was his opinion that they should retire. His (Mr. Spence's) opinion was that the deputation had expressed no such opinion, that no such invitation had been given as would warrant them violently to break up the Government. More than that — after the long conversation they had, and after the formal manner in which his friend had brought out his explanation, he would not be charged with a breach of confidence if he gave his own version of the circumstance. He told the hon. Speaker, that his resignation would be attributed to other grounds than the maintenance of the responsible principle. He felt it his duty to warn his hon. friend¹¹⁶ that his position in regard to certain great matters of vast importance, that are exciting great interest in the country, and which have already formed the topic of discussion in Parliament, would be supposed to be the real cause of resignation, rather than a sincere desire for the interests of the reform party¹¹⁷ [and] the stability of the Government. That advice was sincerely given, and in coming down to the House in the evening he called upon the hon. member for Peterboro and asked him plainly¹¹⁸, "was it your intention, when you delivered to us the resolution yesterday, that Mr. Ross and myself should resign?" And he said, "that it was neither expressed, nor was there any desire that they should do so." He subsequently spoke to Mr. Niles, and he gave his assent in the same terms. Then, in order to rescue the Speaker of the Council from the false position in which he stood, in company with those two gentlemen and some other friends, he waited on him, and conveyed to him the positive assurance that they did not intimate or express any wish for his resignation. Mr. Ross did not carry out his intention immediately, but took some time afterwards to reflect before doing so.¹¹⁹ He trusted, however, that from the explanation he had given they would see that the message sent by these delegates, and upon which so much stress had been laid — that message which had been assumed as a ground for the resignation of the hon. gentleman, did not express the desire that we should resign; and certainly those gentlemen who carried that message did not require that we should do so.¹²⁰

MR. JACKSON. — I never once said that a message of that kind was ever sent to the hon. gentleman. It was merely stated that the reform members of this House had no confidence in the Government — and it was left to them of course to follow out their own views.¹²¹

MR. POST. GEN. SPENCE did not know what value the hon. gentleman could attach to his explanation. He had said, that the members of the Government were left to the exercise of their judgment: Mr. Ross in the exercise of his judgment, and he did not blame him for it, thought fit to resign¹²², while he (Mr. Spence,) in the exercise of his discretion, thought proper to remain. (Hear, hear.) When the sense of this House was taken he was perfectly willing to abide the result in a fair constitutional straightforward manner. But he was not disposed to shirk any responsibility. He was not disposed to run from danger. He was willing to¹²³ take his share of the bricks of the tumbling house; but if he were called on to resign, he would do so on a constitutional verdict. And he took that ground the more readily when the whole of those gentlemen, with the sanction of the member for Grey, gave him distinctly to understand that he possessed their confidence. He was happy to say, that he possessed a large share of that confidence, that he possessed the confidence of Mr. Hincks' friends, when he entered the administration, and that it had been continued to him. Undoubtedly, he had his full share of that abuse which an opposition house so liberally pours on a government. He had his full share of that abuse which it was

natural for him to expect when this Government was formed; when he knew that its formation was intended to prevent the reins of Government from falling into the hands of a class of politicians whose term of office would be a continued agitation, terminating in the dissolution of the Union. He knew that he was not purchasing the ... sweets of office, and that his was a stormy road. But he knew that he had the support of a large body of friends, and that it was continued to him.¹²⁴ The hon. gentleman went on at some length to refer to the unhappy position in which the country would have been placed had he consented to take the same course which the hon. Mr. Ross had done, and thus been the means of breaking up the government.¹²⁵ He, therefore, felt that while Mr. Ross had a duty to discharge towards himself, he [Mr. Spence] also had a duty to discharge¹²⁶ to himself and to the country, and whatever may be the opinion of hon. members in regard to a coalition government, it was not consistent with his sense of duty, to break up that government when it had been three-fourths of its time in session,¹²⁷ [and when] they had nearly carried all their great measures...; and he asked the member for Grey how he could reconcile it to his sense of duty that when the Government had urged forward the measures which had received his assent; and when the great question of the Reform party, for certainly there was no greater question — not even the Clergy Reserves, or the Seigniorial Tenure — than the Elective Legislative Council Bill, when that Bill was on the eve of passing the Upper House, previous to its receiving the Royal Assent, that he should consent to jeopardize it? At the moment too when the members of the Opposition were shaking a portentous finger at the Inspector General, and threatening him with danger to the greatest interests of the country. — He could not understand how that hon. gentleman would reconcile it to himself or to his sense of duty, after supporting the Administration for eight weeks to turn on them in the ninth. The symptoms of weakness in the Administration of which the member for Grey had made complaint, were certainly patent to others as well as to the member for Grey; he had neither specified them nor explained them; he had not shown that any government measure had been lost, or that there had been any estrangement of friends except in the Duval case, and certainly the hon. member could not have chosen a more unfortunate illustration, as the government was beaten in a house of 88, only by a majority of 4, when 2 members of the government were actually¹²⁸ within ten minutes' walk of the House.¹²⁹

MR. SICOTTE the SPEAKER here left the Chair, as it was six o'clock.¹³⁰

[After the recess,]

MR. POST. GEN. SPENCE rose to continue his remarks. He said, in reference to the Duval case, that his hon. friend¹³¹ the Attorney General West had put that question pointedly and distinctly to the house as a vote of confidence or want of confidence;¹³² and on that occasion the hon. members for Gray and Quebec voted with the confidence. Now he (Mr. Spence) was entirely at a loss to know why he [Mr. Jackson], on the present occasion, called that vote an equivocal support.¹³³ Neither was the support of Mr. Ross at all equivocal; he gave the Attorney General East on that occasion, the most marked acknowledgments for the manner in which he treated that case. The member for Grey had further stated that this government had failed to grapple with the great questions before the country. Well that general statement will be taken as evidence of the fact? In what instance has the government failed to grapple with them? Every measure foreshadowed in the speech from the throne had met with the approbation of that hon. gentleman; almost every one of those measures had been already pushed as far forward as possible; and it does not rest, therefore, with that hon. gentleman to say that we have failed to grapple with great questions, when he has failed to point out any specific weakness. The seat of Government had been taken as an instance, but it was known that that had been left an open question, and was so left when the government was formed. The next instance was the Temperance question — that was not a government question; and he was at a loss to understand how the member for Grey should seize on that as a proper weapon for attack. He would ask that hon. gentleman whose opinions were most in accordance with the popular will? He advocates a prohibitory law, the member for Grey is in

favour of a stringent license law of which nothing is known. Another charge was that the Government has hesitated to meet the Second Readings of Bills. If this charge had any foundation he regretted it, but¹³⁴ such an argument did not come well from members who were as ready to cry out that the Administration hurried their bills through without proper discussion. The present Administration never stultified debate on any subject. There never was such an occasion of canvassing public affairs as the present. It was not in good taste for the hon. member for Gray to upbraid the Government with wasting time in important questions. He (Mr. Spence) declared most emphatically that the Administration were not afraid to carry on and go through all public questions; and he felt sure that the friends of the Government would not desert the Administration now; but that they would still give that support to carry out the public interest which they had always given.¹³⁵ An allusion was made by the member for Grey, in his remarks to the Conservative friends of the Government, in connection with the meeting to which so much prominence had been given. Now he wished it to be understood that he did not intend to relate what had occurred at any private meeting¹³⁶, as he believed that it would tend to destroy that confidence which exists between the Administration and its supporters.¹³⁷ If he was credibly informed, the main object of that meeting was not to compel the government to retire, but its object was to convey to the Attorney General West the assurance that he possessed as fully the confidence of that section of the Reform party, as of those who are termed the progressive Conservatives.¹³⁸ His hon. friend from Grey says that he does not desire to desert the Government. He is right. He should come back at once, and give that support to the Government that he is pledged to give. — If he does not come back, where will he go? He (Mr. Spence) could not say where.¹³⁹ Allusion had also been made to the portentous finger of a member of the opposition being held up in a threatening attitude against the Inspector General, and it had been stated that the government is unwilling to grapple with the question of the Grand Trunk Railway. He denied that the Government was unwilling or incapable of dealing with that great question in such a manner as to meet the reasonable desires of the company, and the desires of the country, and he must say that it had struck him as a little singular while these indications of change were abroad, and while deputations were sent to one member of the Government, and then to another member of the government, expressing their confidence in him, that there was a strong desire to reduce and injure the Inspector General, and uphold and lift up another gentleman whose connection with the Grand Trunk was well known. Now he would say that if there was any one reason more than another why he desired to retain his seat in the Government, it is to sustain the Inspector General in the policy he has marked out on that great question. He knew that the Inspector General would not fall short on that great question, of what the great public interests of this country demand of him. He was reminded of one circumstance which almost appeared prophetic. When the Governor of Barbadoes was on a visit to his constituents, he happened to address a public meeting at London, and he then stated that in that very critical period of public affairs, he knew of but one man who was capable of dealing with the financial questions of this country, and that man was the present Inspector General. — That was really very important, for the people of this country had unbounded confidence in the opinion of Mr. Hincks in financial matters.¹⁴⁰ There is no man [who] will say that the opinion of the hon. Francis Hincks is not to be regarded in a question of this nature.¹⁴¹

MR. MACKENZIE's opinion was that that gentleman was a great rogue. (Hisses.)¹⁴²

MR. SICOTTE the SPEAKER called the hon. member for Haldimand to order.¹⁴³

MR. POST. GEN. SPENCE continued. If higher commendation could be given of the abilities of the Hon. Francis Hincks, it was that he was now the representative of Her Majesty at Barbadoes. So much for the allegations of the hon. member for Haldimand.¹⁴⁴ In reference to the formation of the present Government, he had only to say that he had felt it his duty, with a view to assist in carrying out certain great questions to a successful issue, to yield to those who represented to him that he could best render that assistance by taking part in the Administration. He did not regret that he had done so.¹⁴⁵ A

general election might suit some hon. gentlemen; but he (Mr. Spence) did not see any reason why the House should be broken up in the second year of its existence — seeing that the Administration was ready and willing to go on with the public business. The House was not called to dissolve; because a few members differed from it on the Grand Trunk measure in that House; and on other bills in the Upper House.¹⁴⁶ The member for Grey himself could not but bear testimony that the course he [Mr. Spence] then took was correct, and that the policy of the Administration had met the hearty concurrence of the country and of Parliament. (Cries of no, no, yes, yes.) He believed the member for Grey would admit that.¹⁴⁷ Of course he could not expect that the hon. member for Lambton would have been satisfied with it — seeing that he was never ever satisfied with anything that was done by the Government, for the last six years; and he never would be satisfied with any Administration that he had not a share in himself,¹⁴⁸ or which he could not make subservient to his own purposes. But the present Administration had carried all the Reform measures to which it had pledged itself before the country, with the exception of one which was now undergoing legislative action in the other chamber. He believed, therefore, that the Reform party had no reason to be dissatisfied with them. The great Reform party of Canada was not formed for the purpose of keeping A, B, C, or D,¹⁴⁹ [OR] a Grand Trunk Contractor or Director¹⁵⁰ in office, but their great boast had always been that they went for measures, not men. If then the Administration, in the language of the hon. member for Grey, had completed their mission, by carrying all those measures, then they deserved well of those who had been their supporters. But the whole of their measures were not yet carried, and therefore their mission was not completed. The present Administration, however, were prepared to bow to the decision of the house, whatever that might be, and if it should be that by their changing places with the member for Lambton, or the member for Sherbrooke, or other distinguished members of this house, the great interests of the country would be best served, then they would be prepared to accept that decision. In conclusion, he had to express his deep regret that he had to part with the hon. gentleman, a member of the other house, with whom he had acted most cordially from the time that he entered the Government until now. And he would further make the remark, that not having received any intimation from his friends that he had lost their confidence — nor was there any expression of want of confidence in the Speaker of the Legislative Council or in the Attorney General West, or in any other member of the Government — he did not feel it to be his duty to take such a step as would have imperilled the legislation of the country, and imperilled the great question that was now undergoing discussion in the other branch of the Legislature, and, perhaps, have broken up the Parliament, when it had only sat about three-fourths of the period ordinarily allotted to its session. In reference to the introduction of his hon. friend from Niagara into the Administration, that hon. gentleman, on receiving notice of the resignation of Mr. Ross, cheerfully came forward and assured him that at the meeting which had been referred to, nothing had passed indicating any want of confidence in himself (Mr. Spence) and that he was willing to continue to give him a hearty support. He (Mr. Spence) believed he was discharging the duty he owed to his friends, to himself, and to his country, by keeping his place, unless in some marked manner this house indicated its want of confidence in the present administration.¹⁵¹

MR. CONGER, as his name had been somewhat mixed up with this discussion, thought it due to himself to state what actually took place on the occasion referred to. It was quite true that a caucus meeting was held, that it was attended by a considerable portion of the Reformers who usually supported the Government, and that the meeting deputed the member for East Middlesex and himself to wait upon the Attorney General and Messrs. Spence and Ross, for the purpose of communicating to them the opinions and views held by the gentlemen present at it. He took the precaution of setting down the identical language he made use of on that occasion, and he would now state exactly what he did say. He stated that he had been deputed by the Reform section who generally supported the Government to say that, while their confidence in those three gentlemen had not in any way diminished, yet it was possible owing to the dissatisfaction which prevailed out of doors, that they might find themselves in a position to give an adverse vote.¹⁵² The officers of the Administration were not asked for any explanation; as it

was known that as Ministers of the Crown they could make no such explanation.¹⁵³ In making that communication they had not desired in any way to dictate to the Government, and he must express his surprise that confidential letters and confidential conversations should have been communicated to the house, which ought not to have been made known without the consent of all parties concerned, it having been distinctly understood at the meeting that whatever passed within the walls of that room was to be considered confidential and not to be repeated. After he had made the short statement to those three gentlemen which he had mentioned, the hon. member for Middlesex following him, remarked that he thought he (Mr. Conger) had stated the wishes and feelings of the meeting a little too strongly in reference to the course which they as Reformers might pursue in the event of any questions such as he had alluded to, coming up. But the hon. member, although not now in his place, would no doubt explain himself what he had stated.¹⁵⁴ [OR] The hon. member for Middlesex had stated the feeling of the meeting a little too strong[ly]. He (Mr. Conger) could not repeat the words of that gentleman at the meeting; but he would allow him to make his own statement.¹⁵⁵ He (Mr. Conger) regretted that the Speaker of the Legislative Council had tendered his resignation, and he could not but believe that there must have been some other cause for that resignation besides what transpired on the visit of himself and the member for Middlesex to those three hon. gentlemen. He could not support the amendment of the hon. member for Grey, because it interfered with the settlement of the constitutional question involved in the main motion before the house. He regretted extremely that the member for Grey should have thought proper to state to the house what he had done in regard to what took place at the meeting, and he (Mr. Conger) should in future take great care how he placed himself in communication with gentlemen who would retell private conversations which were declared to be strictly confidential.¹⁵⁶

MR. FERRES said the hon. member for Grey had entirely misapprehended the nature of the explanations given, on a former occasion, by the Attorney General and himself, with reference to a meeting of some members of this house some time ago, with the Attorney General. The hon. gentleman insinuated that the Attorney General not only expected that visit but was gratified with it. Now he had to repeat distinctly that they were not commissioned to convey to the Attorney General any other intimation than simply that they had heard rumours of changes in the Administration, and that as an adverse vote had been given against the ministry some days before, they were commissioned to declare to the Attorney General that the confidence in the Administration of the party they represented was not abated, and that they would be prepared to support any Administration of which Mr. Macdonald formed a part.¹⁵⁷ In his opinion the member for Grey's motion was premature. The motion by the member for Montreal and the motion by the member for Grey should have been put separately. He did not think that the position of the hon. member for Niagara was unconstitutional. There was no reason why that gentleman should go back to his constituents, as he is not in the receipt of a salary from the Administration. So long as the house has the power of voting the supplies, so long has it the control over the Executive Council. He was glad to see the hon. member for Niagara in the Executive Council.¹⁵⁸ He argued also that the only two points, on which the member for Grey had expressed want of confidence in the Government, because they had not assumed [them] as Government questions, the Temperance and Seat of Government questions, were points on which this non-assumption of responsibility could well be sustained. He hoped the member for Grey would withdraw his amendment, so as to avoid the mixing up of two separate and distinct questions. After the member for Montreal's motion was disposed of, the member for Grey could repeat his, as a substantive motion.¹⁵⁹

MR. JACKSON said that before the motion was put, he would like to make a few remarks. His hon. friend the Postmaster General had been very eloquent respecting those parties who had called on him, requesting his resignation of his seat in the Government. He stated distinctly that such was not the object of that deputation. His hon. friend had affected an amount of indignation, which the position he occupied hardly warranted. He demands to know upon what ground the government should be condemned at this particular juncture. It might be sufficient for him to allude to the attempts which were

made to destroy the influence of the leader of the Government, and of which the Postmaster General was aware of at the time, and did not seem to discourage. And at the moment when it was discovered that the legitimate consequence of that movement would lead to the resignation of those members who represented the Reform party, he attempted to justify himself in remaining in the Cabinet. He (Mr. Jackson) would distinctly state that it was no part of their object to dictate to these gentlemen. He thought that had been so clearly expressed that it would be thoroughly understood by the House, and it was therefore unnecessary for him to reassert it. He did not for one moment charge the hon. member with constructive treason to his chief, neither did he assert that he had acted other than in a straightforward manner. But he was bound to make a remark as to an interview which took place between that hon. gentleman and the Speaker of the Council. The Postmaster General stated that he heard from the hon. Mr. Ross of his intention to resign for the first time, when this question as to the meeting of the Reformers came up.¹⁶⁰

MR. POST. GEN. SPENCE contradicted this.¹⁶¹

[MR. JACKSON continued:] But we hear Mr. Ross refers in his explanation to an intimation made previously — an intimation made upon the defeat of the Government in the Duval case. And when the Postmaster General ventures to state that the advice he gave him, was that he should not resign, for that he would not get credit for honesty in doing so — that although he gave a reason for the position he had assumed, yet the country would consider him as resigning for some other reason. There was something very ungenerous in this remark of the Postmaster General. He believed the country would put an entirely different construction upon the course taken by the hon. Mr. Ross, than what has been put upon it by way of in[n]uendo by the Postmaster General. When it is understood that the hon. Mr. Ross introduced that hon. gentleman into the Government at the first it became him to speak of him in a different manner than he has done. But the facts to which he (Mr. Jackson,) had referred are facts embodied in the letter of resignation read by the Speaker in the Legislative Council. He would again repeat that the hon. Mr. Ross has bowed his head in obedience to the dictates of party and principle, and for that he deserves honor, and he had no doubt the grateful feelings of the country would be accorded to him. The Postmaster General had alluded to the publicity given to the meeting of Liberal Conservatives; but who gave it that publicity? It was the Attorney General himself in answer to a remark from the hon. member for Montreal¹⁶², and it was alluded to by the hon. member for Brome.¹⁶³

MR. FERRES contradicted it.¹⁶⁴

MR. JACKSON would ask his hon. friend (the Postmaster General) what was the meaning of the language which was conveyed to him by the hon. member for Peterboro.¹⁶⁵ The hon. gentleman says he had not received any intimation on the part of the reform members of the House of a want of confidence in the Administration.¹⁶⁶

MR. POST. GEN. SPENCE. — I said I have not received any intimation of a want of confidence in myself.¹⁶⁷

MR. JACKSON said the hon. gentleman would not affect to deny, that he was well acquainted with the acts of the Reform party, and in the manner that he was made acquainted with it by the hon. member for Peterborough. It was perfectly clear, and the hon. member for Peterboro (Mr. Conger) had now in his pocket a copy of the resolution which was approved of by that meeting, which clearly states the object. (Hear, hear.) The hon. member for Peterboro affected a great deal of virtuous indignation and innocence about there having been revelations of private conversations. Now that hon. member dare not state from his seat that he (Mr. Jackson) had been guilty of a breach of confidence, and that he had made communications either in that house or elsewhere which were not previously made by the hon. member for Peterboro. (Hear, hear.) He was the gentleman who had made the intimation to

Hon. Mr. Ross — that intimation had become public property, and would appear in all the newspapers to-morrow. He could readily conceive that the hon. member for Peterboro, to justify his vote which he intended to give upon this occasion, would draw conclusions and inferences of a character that he should not, but the hon. member would have to bear the consequences of his own conduct.¹⁶⁸ He would not attempt to dictate to that hon. gentlemen [sic], but he would state that the insinuations made by that hon. gentleman have no foundation in truth, that he (Mr. Jackson,) made no statement contrary to those made by the Hon. Mr. Ross, and it was because he refrained from repeating private conversations that he would say no more upon that point at present.¹⁶⁹ The hon. member for Brome had asserted that he (Mr. J.) had not given a sufficient reason for withdrawing his confidence from the Government. No hon. gentlemen in that house had possessed more confidence in the Hon. Postmaster than himself, and a better Administrative officer than that hon. gentleman he did not think existed. (Hear, hear.) But at the same time¹⁷⁰ he regarded the Government now as a whole,¹⁷¹ [and] he would now distinctly repeat, and for the reasons that he had previously stated, that he had no confidence in the Government. (Hear, hear.)¹⁷² The old Reform members of the House have come to that conclusion. How did they come to it? They arrived at a conclusion some way that Government was not adequate to carry on the business of the country, and while they had no hesitation in withdrawing that confidence — they did not seek to upset the Government by caballing. They declared what was their intention, and they left the administration to act upon it. He found no fault with the hon. Postmaster General. He has his own constituents to satisfy on that point, and he hoped the hon. gentleman would be able to justify his course to them. He had made these statements not simply as expressing his own views, but as expressing also the views of those gentlemen who attended the meeting to which he referred,¹⁷³ for whom he had the honor to act, and he was but the exponent of their views, and if upon the final vote on this matter,¹⁷⁴ any of them gave a vote contrary to these views, then he trusted they would be able to satisfy their own minds for such a course.¹⁷⁵

MR. MACKENZIE now saw the hon. member for Niagara (Mr. Morrison) in his seat; and he would call upon the hon. gentleman for an explanation for his present position. (Hear, hear.)¹⁷⁶

MR. J. MORRISON then rose and said. — He regretted very much that he was not present at the commencement of the debate. As to the meeting alluded to, he was aware what had taken place there, how it was got up, and what message was sent to the Attorney General West upon that occasion, but he must assert that the intention of that message, and of the parties who were there as far as he could gather, was not, that either he ... [Mr. Macdonald] or any of his colleagues was to resign from office. (Hear, hear.) Upon the contrary it was well understood that he (Mr. M.) would take no step which would lead those hon. gentlemen to resign. But they were the best judges of what was the best course for the government to adopt in view of the interests of the country. He did not know for what purpose he was there, nor the object of it until he got there. It was then understood that it was to be an informal meeting, merely to talk over matters which had been spoken of on many occasions before those hon. gentlemen who generally acted together, and with whom he had had the honor to act. After a great deal of discussion, and referring to some dissatisfaction which then existed, and might now exist in the minds of several hon. gentlemen connected with the government now as to the manner in which the government was being carried on, a difficulty arose in his (Mr. Morrison's) mind and [which] he knew arose also in the minds of several hon. gentlemen, and especially in that of the hon. member for Victoria (Mr. Jas. Smith,) as to whether any intimation had been given to his hon. friend the Attorney General West, and it was for that reason that he purposed to join in the message to the hon. gentleman upon that subject. No written resolution was made but¹⁷⁷ a good deal of discussion took place as to the mode in which it should be done, and as to the reasons which induced the hon. gentleman [sic] to come up to the meeting¹⁷⁸. Two gentlemen, Mr. Niles and Mr. Conger, were delegated with a message to the Attorney General, to the effect that the Reformers were dissatisfied at the mode in which¹⁷⁹ the business of the country was carried on, and that circumstances might arise upon which an adverse vote might be given

in that House, (hear, hear,) and that the hon. gentlemen connected with the Administration might prepare for such an emergency. (Hear, hear.) He could not say upon what questions it was, that it was anticipated the adverse vote might arise. One or two matters were mooted at the time, but he (Mr. M.) had at the time in his mind apprehensions that it would occur on the Police Bill now before the House. (Hear, hear, hear.) There was no difficulty [that] took place about that, and no expression was given to any particular matter, but it was the intention to inform the Administration¹⁸⁰ and the leader of the Reform party, that these Reformers had undiminished confidence in them¹⁸¹, and that so long as they remained in office they would receive their support, ... [but] that in the event of matters arising in the House which would create a breaking up of the government, that these gentlemen would take a course adverse to the government. He deemed it necessary to state this, in reply to what the hon. member for Grey had said; but as the hon. member for Peterboro[u]gh had stated, everything which took place at that meeting was not to be spoken of out of doors. (Hear, hear.) And the only parties to whom it was to be communicated in confidence are the Attorney General West and the Post Master General. The day after the meeting, he (Mr. M.) saw the late Speaker of the Legislative Council, and he informed him that it was never intended or expected that he or any other member of the government should vacate their seats, or bring about anything like a disrapture of the government; it was not intended that they should do so, that it was not advisable, and that the gentlemen present were of opinion that it would be disastrous to the country if a dissolution took place. Looking at the Grand Trunk affair, the Clergy Reserves Bill, the Tariff and other matters, it was thought necessary and indispensable for those hon. gentlemen to carry on the government, and that those at the meeting had perfect confidence in them.¹⁸² In that view, the hon. Speaker of the Council had no right to take the step he had taken, and he (Mr. Morrison) urged him again and again not to do so.¹⁸³ But it was strictly a matter of privacy, and no hon. gentleman was warranted in disclosing what took place. Immediately after the late Speaker resigned his office, he (Mr. Morrison) was offered a seat in the Legislative Council. It was not without some hesitation that he accepted it. (Hear, hear.) It was not that he had no confidence in his hon. friends but he thought that he could not desert the Post master General, in accordance with his own views, or withdraw his support from that gentlemen [sic]. Neither was it from any personal reason that he accepted office, (hear, hear,) but purely because he felt if he deserted the hon. gentlemen [sic] under such circumstances, that he would not have been doing what he conceived [sic] was an honest act, and he was assured the Post Master Genl. would bear him out in this statement that he was reluctant to take the seat under such circumstances. He (Mr. Morrison) advised the hon. gentleman ... not to resign, and he thought that under all the circumstances in which the country was placed, that it was the duty of the Government to retain their seats as long as they could with confidence, and that it would be foolish for them to go out, without a special vote of want of confidence from the House. (Hear, hear.) It was not for him now to say that dissatisfaction had not existed here. He would now refer to the Premier, who was unfortunately confined to his bed, and his absence had caused some apprehension in the minds of some honorable members, that the affairs of the country were not carried on with that firmness with which they should have been, and that under those circumstances some change was about taking place in the Government, but that so long as that hon. gentleman was lying upon his back, or probably upon his deathbed, he (Mr. Morrison) thought that it would be improper for them to take any step at all with regard to the Premier's position. (Hear, hear.) He thought that the hon. gentleman ought to have an opportunity of defending himself in that House, (hear, hear,) and that he should not be reproached with anything for that it would tend to accelerate the disease under which he labored. He (Mr. Morrison) accepted the office tendered to him because he felt that any refusal of his would be a desertion of the Government, and in some respect was a cowardly one. He felt it was pressed upon him, and that under those circumstances he could not honestly, (and having an unbounded confidence in the Government) refuse the seat. The message was not sent with the view that any members of the Administration should resign, but it was to be left to their own discretion.¹⁸⁴ If the House decided so, he would go back to his constituents with the greatest pleasure. It was not for him to say that his seat was vacated; but, whatever the decision of the House might be, his only desire was not to be away from the House

while these questions were before them. If he vacated his seat, as he might have done, then he would, probably, be absent for the rest of the session, and there were several questions which he had a deep interest in, and¹⁸⁵ he would almost as soon not have accepted a seat in the Council as have had the prospect of being absent from the discussion of some of the measures which were coming up.¹⁸⁶ He, however, wanted the decision [sic] of the House. Personally he would prefer to go to his constituents, for then all responsibility would be taken from his own shoulders. As a matter of law he was quite clear that he had a right to keep his seat, but it was not for him to say whether his seat was vacated or not. He considered that his Excellency had a perfect right to call him to the Executive Council, and any other that he chose to be his advisers, whether in the House or out of it. (Laughter and cheers.)¹⁸⁷

MR. MACKENZIE ridiculed the position of the last speaker, who after having as the member for Grey stated, supported the resolution of the meeting condemning the course of the administration, suddenly turned round and joined it.¹⁸⁸ He would record at all events the vote of one county against this mode of doing away with the rights and privileges of that House.¹⁸⁹ The present condition of the Cabinet was quite sufficient proof of the necessity for hon. members going back to their constituents. He went on to quote the words of the Att. Gen. West, used by him in reference to the last administration: "There may be Walpoles among them but no Pitts. They are steeped to the lips in corruption, and are only kept together by the common spoil." If they were fairly supporters of the rights of those who sent them, then they would at once send the hon. gentleman back to his constituents to say whether they were willing that the management of public affairs should any longer be entrusted to them or not. The hon. John Ross had stuck to office like a rock, as long as he could, but was ashamed at last of his position and resigned his seat. He [Mr. Mackenzie] went on to quote the resolutions appointing the Executive Council. The Governor, he said, could remove any of these hon. gentlemen when he pleased, and can call any council he pleases, or dismiss them when he pleased. He understood what responsible government was; but he thought that what we have here was a very poor substitute for it.¹⁹⁰ After all, what was this Legislative Council, simply, a body under the complete and absolute control of the Governor General. This was the system of responsible Government they were blessed with. When hon. gentlemen took their seats in that Assembly, they virtually resigned their independence. Unless they could coax, or wheedle, or argue or reason with the Governor General, they had no power. Not a bit. He could easily conceive this stranger from Europe sending for any man he pleased, swearing him in to that Council, to keep all its transactions secret, and telling him, "I will do just as I please."¹⁹¹ He trusted that they were to have a new election, because fifty thousand people had been ousted of their votes because the new election franchise bill had not become law in time. The hon. gentleman who had taken his seat in the Executive Council had not declared that he had any policy, that he was going to bring any new policy to the government. (Hear, hear.)¹⁹² The hon. member for Niagara was now a member of the Government, and would of course exert himself, as they had done, to impose on the country the new police bill, and all the other extraordinary and extravagant measures of the present administration.¹⁹³ Things would remain just as they were before. How then could he honestly today join a government which yesterday he felt it his duty to declare that he could not support?¹⁹⁴ Ask the hon. Attorney General West, who mentioned something about common plunder, and he will reply. That was the Coalition which now administered the affairs of the province. Now, he would defy any member on the floor of that House to indicate any one, single beneficial measure which by pos[s]ibility came from such a coalition. He could not conceive of such a thing. It was impossible — beyond the power of nature — aye, and beyond the power of art, too. Yet everything was done to save the sinking ship of Canadian statesmanship; and in the course of those desperate efforts, hon. gentlemen opposite at last came to Niagara, and fished up the hon. member representing that constituency, in order to sustain themselves yet a little longer. In his opinion a [more] profligate Government than the present never assumed the reins of office, — and a more shameful waste of public money was never heard of.¹⁹⁵ He then went on to relate the political career of the hon. Post Master General; among other things he accused him of having plundered the public chest of £20,000 which he expended in establishing new

offices and for the promotion of his political friends. He said that there was a great deal of dissatisfaction with the government, and¹⁹⁶ it pained him to see such a Government controlling the destinies of a great and rising nation like Canada. He would be glad to see them either resign or put an end to their existence some way or other.¹⁹⁷ Nothing would give him greater pleasure than a dissolution.¹⁹⁸

MR. GALT regretted to see the hon. member for Niagara place himself in the position he had done. He regretted to see it, on his own account, because he had placed himself in a very false position. Notwithstanding any regret, however, which he felt for the inconsistencies of that hon. gentleman, he could not avoid reprobating the conduct pursued by that hon. gentleman. It was stated by the hon. member for Niagara, that at the meeting referred to, great dissatisfaction respecting the policy of the Government was expressed — the only parties in the Administration enjoying their confidence being the hon. the Postmaster General, the hon. Attorney General West and¹⁹⁹ the Hon. Speaker of the Legislative Council²⁰⁰; and although they did not ask the Government to resign, — having, as had been stated, undiminished confidence in them, yet they forewarned them that, in the event of the present policy of the Ministry being adhered to, circumstances might arise in which that party would be compelled to give an adverse vote to the Ministry. It had been stated that this did not convey a correct impression of the proceedings which took place at that meeting. Now, if such was really the case, he would like to know how it became known to the member for Niagara, and yet that the hon. Speaker of the Legislative Council remained ignorant of it until after he had taken action on that false impression. Why were those hon. gentlemen permitted to remain under this delusive impression, until one hon. gentleman had actually resigned his office? That was a point which he had not heard explained, but which, surely, needed explanation.²⁰¹ From the letter of the late Speaker of the Council, it appears that he stated to the member for Niagara, that he would resign unless the intimation which was given to him of a want of confidence in the Government was withdrawn as promptly as it was given²⁰², (No, no) and that his two colleagues were also of that impression. He would like to know from the Government if such were not the case.²⁰³

MR. AT. GEN. DRUMMOND could not see how his colleagues could assent to a statement respecting the ministry, of which they were personally ignorant.²⁰⁴

MR. GALT thought the Attorney General East expressed a strange ignorance in the matter. The hon. gentleman then denounced the underhand and unmanly dealing of that party towards the Hon. the Speaker of the Legislative Council, in not asking him in an open straightforward manner to resign at once instead of inducing him to do so by misrepresentations.²⁰⁵ That withdrawal of confidence in the Government was not cancelled, and consequently the position in which we find matters now is that the Speaker has been induced to resign, by gentlemen who feel themselves at liberty to go on and support the Government. The position taken by the member for Niagara, who is now a member of that Government, was, that a vote of want of confidence in the Government ought to have been passed. The Government was informed that it must be prepared for adverse votes, if there was no change of policy. There is none. The Post Master Gen. has stated that there is to be none; that all the measures announced by the Government, are to be carried out. The Post Master Gen. announces that he had no intention to resign, as he waits for a more constitutional verdict than that of his friends, and that verdict he is soon likely to obtain, as everything is preparing for such a consummation.²⁰⁶

MR. RANKIN expressed his conviction, that the accession of the member for Niagara to the ministry, would add materially to its strength, and that he would on that account, vote against the amendment. But in saying this, he wished it to be understood, that he had not confidence in the entire Ministry, and he charged the Attorney Gen. first with having lent himself to intrigue for the purpose of ousting the Premier from the cabinet at a time when that gentleman was companionless and defenceless. Parties on both sides of the House, Reformers and Conservatives had been connected with movements

intended to convey to the mind of the Attorney General West, that in the event of the retirement of the Premier, he (Mr. Macdonald) was the man they would desire to see his successor, while that hon. gentleman himself had come down to this House and said that he had a leader and would follow him, and that he had no knowledge of any intrigues to displace him. Now it was within his (Mr. Rankin's) knowledge, and he said it calmly and deliberately, that the Attorney General *had* a knowledge of their intrigues.²⁰⁷

MR. SICOTTE the SPEAKER called the hon. member to order. He was bound to accept as true, what the Attorney General had stated on the floor of the House.²⁰⁸

MR. RANKIN went on to say that it was a matter of public notoriety, the standing topic of conversation wherever people meet, that those intrigues had been going on against the Premier, but that venerable gentleman had turned out to be made of sterner stuff than most of his colleagues, and he had retained his position in spite of everything they could do to get rid of him. And what was the result, in regard to that section of the Reform party who at an early period of the session, had come to the determination, that unless the Premier retired, they would be under the necessity of withdrawing their support from the Cabinet? But in the first place he would ask, what had induced those gentlemen, calling themselves Moderate Reformers, on that side of the House, to be so exceedingly desirous to bring about the removal of the Premier? The chief reason was simply this; most of them had come into the House unequivocally pledged to their constituents to the secularization of the Clergy Reserves. When the measure which has since become the law of the land, was introduced, many of them hesitated what course they should pursue, as they knew that especially with the commutation clause which it contained, it was not what the Reform party desired or understood to be secularization. But those influences brought to bear on them, which are always at the command of any Government, were sufficient to induce them to assist in carrying the measure. They had found, however, during the recess, that in the estimation of the old Reformers of Upper Canada, that commutation clause was sufficient to destroy the whole value of the Bill. They had found, moreover, that if there was any one name in Canada more unpopular than another among the class of people calling themselves Reformers, it was the name of the Premier of the Government, and that it was considered that in supporting any Government led by that gentleman, they had falsified their pledges. During the first session of the present Parliament they were not so much under the influence of awe as to what might be the consequences of departure from their pledges, as they had since become, but having discovered that their conduct was properly appreciated by their constituents, they had been casting about in their minds what was the best course they would take to appease the indignation of those who had given them the position they now occupied; and they had come to the conclusion that their best course was to offer up as a sacrifice to that indignation the gallant member for Hamilton. But they now found that they had miscalculated the qualities of that hon. individual, and how humiliating now was the position of those gentlemen who had caballed to destroy the Premier, and declared that no government led by him could possess the confidence of the people, and that they would withdraw their confidence if the Premier did not retire — but who now, finding it impossible to accomplish that, turned round and again consented to become the followers of the very gentleman who they said but a few weeks ago was incompetent to govern the country. He had never in any work of fiction met with a case displaying greater baseness and want of faith. And when they recollected the circumstances which attended the formation of the Government, and that the late Inspector General stipulated that his support of the Government would depend on its comprising two gentlemen, representing the Liberal party, of Canada, what was the inference which all men of honesty and independent minds would draw from the circumstance of the conditions in which those two gentlemen joined the Administration being identical? Was it not that if circumstances arose, making it proper for one to withdraw, the other should have felt those circumstances strong enough to have induced him to take the same course? With regard to the introduction into the Cabinet of the member for Niagara, the strongest feeling in his mind was one of regret that a gentleman possessed of so large a measure of personal popularity, and of so many

amiable qualities, and who, possessing so large a circle of friends, might have looked forward eventually to become a member of a cabinet of a higher tone of character than the present — he regretted that that hon. gentleman should have so far forgot himself or been guilty of so glaring an error of judgment, as to identify himself with a Government which had lost the respect of every one qualified to judge of its course. He admitted that the introduction of that gentlemen [sic] into the Government was an improvement of its character, and he would only hope that his view of the consequences to himself might prove to be erroneous, for he desired to see him occupy the position which his many estimable qualities justly entitled him to.²⁰⁹

MR. TURCOTTE supported the position taken by the Government, and stated that the present aspect of matters was a banding together of Reformers and Tories against Lower Canada, which had been brought about by the plotting of certain land speculators to get into their own hands the commissionership of Crown Lands. The object of those plottings, it had been said, was to put the hon. gentleman who had moved this amendment, into the cabinet, as Crown Lands Commissioner. The hon. member for Toronto had stated some time ago that he was a supporter of the Government. Now was the time for him to rally his friends to the defence of the Ministry, when the reformers were deserting him. He appealed also to the sympathies of Lower Canadian Reformers, when his quondam friends had deserted Sir Allan MacNab, old and bed-ridden, to defeat their plottings by coming to his support.²¹⁰

MR. PATRICK ... was sure the administration, in not applying to the country on a late occasion, had gone in the very teeth of Responsible Government.²¹¹ The country long ago had lost all confidence in the Government. No party in the country had confidence in them. Looking through the newspapers in the reading-room he saw none deserving the name which supported the government. The Militia Bill was the first measure which caused him to break with them, a measure which caused great expense to the country without any adequate return. He was also induced to oppose the Government, when instead of measures of retrenchment, they brought forward measures involving very great extravagance. The hon. gentleman then referred to the manner in which the Government had introduced their Sectarian School Bill, to their Police Bill, &c., as other grounds why he had lost confidence in them. And their course in reference to the matter now before the House was another reason why the country should place no confidence in them. On those grounds he had had much pleasure in seconding the amendment of the hon. member for Grey.²¹²

MR. CAMERON said, the hon. member for Maskinonge had made several pointed allusions to him, and one or two hon. members on his side of the House, and he wished to know why there was an apparent withdrawal of that confidence upon his (Mr. Cameron's) part from the government, which existed at the last Session of the Government, and why a sectional party of the Conservatives as well as Reformers had so acted. It was well known, that during the last session of Parliament, he (Mr. C.) did what was in his power to assist members of the Administration, and that he was then anxious to do anything that he possibly could do for that object, because although he was opposed to them upon large questions, yet that in matters where he could offer them his support or assistance, he not only did it, but readily, and that that continued during the whole of that session. Before this session commenced, for some reason or other it got rumoured abroad, and some hon. gentlemen who belonged to the Reform Party and who were members for Upper Canada, came to consider, that by some extraordinary process he (Mr. Cameron) had managed to secure the whole patronage of the government. If, however, those hon. gentlemen had enquired, they would have found that he had asked the government for little, and got but little, but at all events they endeavored to stir up dissatisfaction as against himself personally, although it was well known that he did what he could to support those measures of the government which he thought were for the general benefit of the country. In the course of his duty as an independent member of that Legislature he had never hesitated to express his opinions, whether they were in accordance with those of the government or not, and when in the course of his duty he felt himself

called upon to bring a motion before the House (the Duval motion) he did not do so with a view to embarrass the Government, or to drive them from their places. (Hear, hear.) But the government gave what information they did on that matter, at a time subsequent to his motion, and from that time the government was viewed with want of confidence, and by the course they then adopted, they had withdrawn much more confidence from him than he had from them. But he had been subject to attacks from the Opposition himself, and it was upon that ground that he considered himself entitled to a certain amount of consideration at their hands, which he considered he did not get, but these were questions which had reference to themselves which were of more consequence, and it was in vain for hon. members to attempt to conceal the fact. He (Mr. Cameron) did not pretend to charge it upon every single member of the Cabinet, but he did charge upon somebody, either the Reform or Conservative section of that body, that there was a most determined attempt made to supplant the Hon. and Gallant Knight while sick in his bed, and which had caused great dissatisfaction with himself and his hon. friends, and with the country. (Hear! hear!) If it was not instigated by hon. members of the Administration, it ought to have been put down until Sir Allan McNab was enabled to come down to the House and explain his position, and defend himself from attacks made behind his back; and that independently of that there were other matters upon which the Government had committed great mistakes, and independent of the Duval motion, upon which matters no satisfactory answer had yet been given from the Treasury Benches. There was a statement made by the late Speaker of the Legislative Council that he had been addressed and was prepared to resign upon that Duval motion, and it was stated outside, that other hon. gentlemen agreed to resign also, and that after that arrangement had been made he writes in his letter "that he had communicated to his colleagues that he was perfectly certain they could not rescind the vote." (Hear, hear.) He had not heard that statement contradicted. Some other explanation was required upon that point than had been received in that communication emanating from the late Speaker. He (Mr. Cameron) had not withdrawn his entire confidence from the government, because he hoped to see the hon. Premier in his place and hear him ask for those explanations he deserved to receive, and which if he did not ask for, he (Mr. C.) would be prepared to call for.²¹³ He concluded by declaring that he would lose his confidence in the administration, and vote against them when he saw them bringing up motions which were contrary to his judgment.²¹⁴ He had given the government every support, but they could not expect to bind him upon their chariot wheels and agree in everything.²¹⁵

MR. MARCHILDON then addressed a few remarks in French, quite unintelligible on account of the din that prevailed, occasioned by "Question, question," &c.²¹⁶

MR. AT. GEN. J.A. MACDONALD. — The hon. member for Grey had said that the vote by which the government were sustained in the Duval case was an equivocal one. It might have been so on his part but it was not [on] his (Mr. McD.'s) part or that of his colleagues, for he called on every hon. member who thought the present government was unworthy of the confidence of the house, who were willing to hold to the previous vote on the Duval case, to declare by voting on the motion of the hon. member for Glengary whether it was an equivocal vote or not. It was no fault of theirs if it was not a fair and open opinion on the present arrangement, for it was asked for, and if it was not given it was not their fault, and many of those who usually supported the administration, although on this occasion constrained to vote against them, did not intend to withdraw their confidence. It was because the hon. member for Glengary moved the previous question and prevented them from moving a vote of confidence in express terms that they did not do so, but on his motion they had the same vote. They were obliged to call on hon. members to vote on that question, because they were not able to put a direct vote. He had confidence in the majority of the hon. members who voted for them on that occasion, and it would be a bad return if they did not take as a vote of confidence in that administration the vote they then gave. He was satisfied with the vote they had given on that occasion, and in every division since the government had been sustained, and by majorities not decreasing but if possible increasing — by majorities so large that they were too strong, and that they had not enough of opposition.²¹⁷ In the event of

a section of that House waiting on the Ministry privately, and expressing a want of confidence in the ministerial policy, the ministry ought not to resign. The ministry were, he conceived, bound to retain that power, with which they had been invested until by an unmistakeable [sic] expression of the opinion of that House — on the floor of that House — they saw that they did not possess the confidence of hon. gentlemen. Then, and not till then, should an Administration resign office. And when that time came, no one would yield more readily than he would to such an opinion. He felt convinced that his hon. colleague, the late Speaker of the Legislative Council, had committed a grievous mistake in resigning his office — contrary to the earnest and urgent advice of his best friends and colleagues.²¹⁸ When his friend ... proposed to resign he remonstrated with him; he told that he was mistaken in supposing that the government or any part of ... it had lost the confidence of the house, he pressed on him again and again that he was mistaken, he had taken his course, but he (Mr. McD.) thought it was a wrong one because by no means by which he could judge of the confidence placed in him could he come to the conclusion that the confidence formerly placed in him had been withdrawn. His hon. friend from Toronto had alluded to a passage in the letter which had been read from the hon. Mr. Ross to Mr. Tache, and said that he was surprised that there was no explanation on the matter relative to the Duval case. On that matter he thought Mr. Ross had made a greivous [sic] mistake, viewing it in a constitutional light: if an hon. gentleman on a conversation with his colleagues or in the advice they tendered to his Excellency ... found that he could not support, he ought to have at once taken the only proper course to rid himself of the responsibility of resigning; if, however he ... took the responsibility of yielding to the opinion of colleagues then he continued to be responsible for all acts of the administration. If he did not take the responsibility of resigning, but if he chose to take the course that he did, he was as responsible as any of his colleagues. — (Hear, hear.) He was as responsible in person, as well as in his political character, as if he still continued a member of the cabinet; and he should not afterwards attempt to strengthen his position by alluding to previous advices given by himself on a matter then before the country. — (Hear, hear.) The consequence of his having made that mistake is perhaps the reason why he did not allude to it. No man was more anxious to maintain the good feeling of his colleagues than the hon. Mr. Ross; and when he retired from the government, he left it with expressions of good will, and he closed his connection with the government with a communication that although he was no longer in office, he would not cease to support their measures as much as was in his power. Since the government had been formed, the hon. member for Niagara had placed the utmost confidence in its measures, in a manner which could not be mistaken. He had given them his undivided support in every matter in which he could strengthen their hands; and when he took the responsibility of going to Mr. Ross, and took the liberty of stating that he was mistaken in his course in going out, and told him that he held him responsible to his party for the course that he took, he (Mr. Macdonald) would have been wanting to himself, and to his friend the Postmaster General, even though he might not have been anxious to assume the duties of office — if when he was asked by the Premier to come into the government to show the confidence which he had hitherto given to the government, he had failed in doing so; but with his usual devotion to his party, he came forward at the call of his friends. On the main point in which the late Speaker retired, he thought he was wrong, and he joined in the remonstrances of the Postmaster General and others who have always belonged to the Reform party who thought he was wrong, and that was conveyed to him in the strongest possible light. — Whether the meeting was confidential or not, the communication made to him was no longer confidential. It was first to have been made to him, and afterwards to the Postmaster General and to Mr. Ross. What they were told by the honourable member for Peterboro', and the hon. member for Middlesex was, that there was a feeling of dissatisfaction as to what was going on, but it was not with the ministry as a whole. These gentlemen never conveyed the impression of want of confidence in the Government: what they said was, that if the dissatisfaction continued the Reformers might be placed in a position where they would be forced to vote against the Government, and they thought it right to give them notice of the fact, and yet they said they had full confidence in the three gentlemen to whom they were speaking at the time. It was a notice that unless something was done for the purpose of allaying a dissatisfaction that was increasing, they might be compelled to

vote against them. They left it to them what to do, and they expressed their confidence in the Government as a whole. His answer was much as given by Mr. Ross, although there was a slight difference in the wording, which gave rise to a different construction: and since reading the letter he had spoken to Mr. Ross, who agreed with him that he stated it correctly. His answer was, that the communication ought to have been made to Sir Allan MacNab as the head of the Administration, and that if he was inaccessible from illness, they should have communicated with Colonel Tache as the senior member of the Cabinet. They left them with the impression in which the Hon. Mr. Ross appeared to share that they had no intention of withdrawing their confidence from the Government. It was not until the next day that they heard from Mr. Ross himself that he thought he ought to retire. He (Mr. Macdonald) then protested against his doing so, and explained his views very fully. They then went to the Post Master General, who was ill, and Mr. Spence, without knowing what his (Mr. McD.'s) opinion was, stated his views in almost the same language. After this avowal members who had heard that Mr. Ross was going to take this course, stated that at the meeting nothing was done to render it necessary for Mr. Ross to retire. After referring to various members whose statements corroborated what he had said, he went on to say that he denied altogether the principle on constitutional grounds that any members of Parliament had a right to meet in a room and convey an irresponsible opinion to the Government which they usually support.²¹⁹

MR. HOLTON. — Why did you not tell them so?²²⁰

MR. AT. GEN. J.A. MACDONALD. — If the hon. member had been present he would have heard something of that kind said. He held that no ministry could take their dismissal or assurances of support in any other way but on the floor of the house; on that floor only they could receive the commission, and on that floor only they could receive their discharge. For every vote given in favour of the ministry, hon. members were responsible to their constituents and to the country; and the ministry would be evading their responsibilities, if they listened to any out of door communication. They got their commission there, and there only they would take their discharge. They were told that the time might come when they might lose the confidence of their supporters and what was their answer? We have our responsibility and you have yours. They would be wanting in what they owed to their position; they would be worthy of all the taunts that had been thrown upon them, were they to shrink from the consequences of their conduct. They would be like fugitives flying from justice. He was in a government when they went to the country, and found that a large majority of those returned to Parliament would vote against them. They might have taken an opportunity of getting rid of the responsibility, of avoiding the unpleasant vote of want of confidence. They might have handed in their resignation. They might have fled from the consequences of their own proceedings, but they took the constitutional course. Knowing that a majority of the house would vote against them, they did not alter their course. They went to the house. They took their seats as a ministry. They submitted to the assault against them, and when the vote was taken, the constitutional course followed. They must take the same course now. They would not, from any fear of an adverse majority, shrink from their responsibilities. They would only take their discharge from the prerogative of the Sovereign, or the vote of the house. Referring to what had been said by Mr. Rankin, he said that he would pass over all that had been said by the hon. member.²²¹ He would not so far forget his duty to that House and to himself as to reply in a similar strain of invective to that indulged in by that hon. gentleman.²²² He would not forget the promise he had made, but he [would] most distinctly affirm, and he would appeal to his colleagues and to many hon. members of the house, if what he was about to state was not the fact, — that there was no foundation for the statement that he had countenanced any attempt to oust the present Premier.²²³ That charge was not only utterly baseless — but positively and directly the reverse of the fact. His colleagues, and many other hon. gentlemen in this house could testify to the strenuous efforts he had ever made in supporting his hon. and gallant leader in his administration.²²⁴ He explained what had taken place on the occasion referred to, and said that it did not in any way affect Sir Allan's position.

The member for Brome and the member for West Durham, on behalf of their friends, told him, in reference to rumours of contemplated changes in the Cabinet, that they did not want to know whether there was any truth in those rumours or not. They only wished to convey to him that if there was any reconstruction, they had confidence in him and in any reconstruction he might make. His answer was that there was not the least truth in the rumour they alluded to, and that he was not aware of any contemplated change. He further said that Sir Allan was his leader, and that he would follow him; and he made this explanation in the presence of the hon. member for Essex, who heard him make it. There was a further communication that there was really no political difference between the two parties who supported the Administration, and that they were anxious that there should be a political union, since they were identical in opinion. There was a meeting of the two parties, but what their conclusions were he could not say with confidence. With regard to any dissatisfaction as to Sir Allan McNab's position in the Government, he would ask if he had not done all in his power to prevent any such expression from reaching him? He had worked hard to prevent anything of the kind taking place, as it had been said that he had worked against Sir Allan.²²⁵ In conclusion, he appealed to the hon. gentlemen to support the Administration as they had hitherto done.²²⁶

MR. POWELL desired that his vote should be understood as a vote of general confidence in the administration. He desired to view the motion simply as it was put before the House, and was prepared to say that nothing could more increase his confidence in the administration than the accession of the member for Niagara. The motion in amendment came with particularly bad grace from the member for Grey, and it would have been better to allow some one else to move it, as a paper reflecting the sentiments of that member has been for some time engaged in a series of attacks against the head of the administration, at a time when he should have been permitted to remain free from annoyance. He looked upon the accession of the member for Niagara, in the room of the late Speaker of the Council as a change for the better, and one which would be likely to gain popular confidence for the administration.²²⁷

MR. DALY would like to know if he was sent back to his constituents, was he to ask them if he was to support a coalition Government, or a Grand Trunk Government? He thought that the general opinion expressed confidence in the Government.²²⁸ [He] objected to a call being made on him to vote want of confidence in the Administration on the motion of the member, after they had commanded large majorities on every question but one since the commencement of the session. He argued with the member for Carleton that in replacing a member of the Cabinet holding his seat by virtue of his position in the Legislative Council, by a gentleman who is in the enjoyment of popular confidence and esteem, would go far to strengthen it.²²⁹

MR. CONGER, in answer to the hon. member for Grey, explained that the statements which he charged that gentleman with making, were made in the House. He still²³⁰ wished it to be understood that Mr. Jackson had no right whatever to make use of the discussion in a private meeting publicly or in Parliament — these discussions having been strictly confidential²³¹, and that it was a breach of confidence to repeat them out of doors.²³²

MR. JACKSON rose to reply²³³ —

MR. SICOTTE the SPEAKER requested that the members should be called in²³⁴.

The vote was taken on the amendment²³⁵.

947)

Mr. Jackson moved in amendment to the Question, seconded by Mr. Patrick, That all the words after "Council" to the end of the Question be left out, and the words "is not calculated to increase the confidence of this House in the Administration" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bell, Bourassa, Brown, Bureau, Cameron, Christie, Cooke, Charles Daoust, Darche, Delong, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Ferrie, Foley, Frazer, Galt, Hartman, Holton, Huot, Jackson, Jobin, Laberge, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Mattice, Merritt, Murney, Papin, Patrick, Prévost, Rolph, Scatcherd, Valois, Wright, and Young.* — (39.)

NAYS.

Messieurs *Alley, Biggar, Bowes, Brodeur, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Conger, Cook, Cryslar, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Egan, Evanturel, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Lumsden, Lyon, Attorney General Macdonald, McCann, Masson, Matheson, Meagher, Mongenais, Angus Morrison, O'Farrell, Polette, Poulin, Pouliot, Powell, Price, Rankin, Robinson, Roblin, Solicitor General Ross, Shaw, Solicitor General Smith, Somerville, Southwick, Spence, Stevenson, Taché, Terrill, Thibaudeau, Turcotte, and Yeilding.* — (67.)

So it passed in the Negative.

And the Question being again proposed, That the acceptance by *Joseph Curran Morrison*, Esquire, a Member of this House, of a Seat in the Executive Council, has rendered his Seat as Member for the Town of *Niagara* vacant; and that a new Writ be now issued for the said Town of *Niagara*;

MR. BROWN wished to explain an amendment he was about to move, and to call attention to the objection he had urged at the beginning of the debate. That was the unconstitutionality of the member for *Niagara* accepting a seat in the Executive Council while retaining a seat in this House without that acceptance being endorsed by his constituents. He did not raise the legal objection, but merely called attention to the dangerous inroad on the liberties of the people which this precedent would establish in allowing Ministers to sit without any control over them as the recipients of the public monies. If this were permitted all check would be lost, and the Governor General would have equal power to appoint all as well as one member of the Council without any necessity for them to go back to their constituents. He would move his amendment:

“That the appointment of a member of this House to a seat in the Provincial Cabinet without an administrative department, and the retention of his seat in the House of Assembly by such member without re-election by his constituents, is contrary to the system of constitutional government established in Canada, and is calculated to impair that healthful influence which the people ought to exercise over the administration of the government of the country, and over their representatives.”

He would just add one word. What a picture had they of the coalition government to-night. (Hear, hear.) Could they fancy a more degrading scene than they had witnessed this evening, when they viewed it in connection with what those gentlemen had been engaged in during the last 10 weeks — not in attending to the public business of the country, but in cabals and plottings. They had heard little but about caucus meetings, and about five or six sections of supporters of the government all plotting against each other. He thought nothing more was wanting then [sic] they had heard to-night to show that the present government did not possess the confidence of any one section.²³⁶

(347)

Mr. *Brown* moved in amendment to the Question, seconded by the Honorable *John Sandfield Macdonald*, That all the words after “That” to the end of the Question be left out, and the words “the appointment of a Member of this House to a place in the Provincial Cabinet, without an Administrative Department, and the retention of his Seat in the House of Assembly by such Member, without re-election by his constituents, is contrary to the system of Constitutional Government established in *Canada*, and is calculated to impair that healthful influence which the People ought to exercise over the Executive Government of the country, and over their Representatives” inserted instead thereof;

MR. AT. GEN. J.A. MACDONALD said the hon. member for Lambton had not discussed the law of the case, for the law was all on one side. He placed his motion rather on constitutional grounds. But he (the Attorney General) considered it would be utterly unconstitutional by a vote of this House to attempt to alter a law of the land, which had been passed by the three branches of the Legislature.²³⁷ The hon. member should first introduce a Bill to alter the existing law which as it now is, states that a member by accepting an office without an emolument need not vacate his office.²³⁸ He moved in amendment to the amendment, —

“That the acceptance of office by the Hon. J.C. Morrison without any emolument attached thereto is not such an acceptance of office as vacates his seat in this House by the Act further securing the Independence of Parliament.”²³⁹

MR. FOLEY. — Reference having been made by the Attorney General to the opinions of the Hon. Robert Baldwin,²⁴⁰ he read from the journals of the House of 1841²⁴¹ the resolutions of that hon. gentleman establishing responsible government, to show that it was a plain violation of the very first principles of responsible government as interpreted by Mr. Baldwin, that a gentleman should be appointed to the Executive Council without possessing a Department²⁴² [and] without vacating his seat.... Mr. Baldwin had then expressed the opinion asserted in the resolution of the hon. member for Lambton.²⁴³

MR. LYON moved an adjournment, upon the ground that the question was one of very great importance, and deserved to be considered at great length.²⁴⁴ In his view it was a great constitutional principle that any member of this House appointed to the high office of being an adviser of the Crown, whether with a salary or not, must go back to his constituents, and receive their approbation.²⁴⁵ He agreed with the proposition submitted by the opposition to the House. He held that under our system the Executive Council[lor] was supposed to be the head of a department.²⁴⁶ He thought, however, that time should be given the House to consider the question, and to form a mature judgment on it.²⁴⁷

MR. AT. GEN. J.A. MACDONALD contended that the case of Mr. Hilliard Cameron was a precedent.²⁴⁸

MR. BROWN supported the adjournment. In reference to the remarks of the Attorney General, he said there were two questions involved, one of law, the other of the constitutional right of the people to have an appeal made to them when a change took place in the government, or the expediency of the government hindering the member for Niagara from electing to go back to the people. That was the light in which he (Mr. Brown) had put the question in his motion, and if the Attorney General wished it to be fairly tested, he should withdraw his amendment in the meantime. It surely was a matter of sufficient importance to have the decision of the House taken upon it.²⁴⁹

MR. AT. GEN. DRUMMOND begged of the hon. member (Mr. Lyon) to withdraw his amendment for an adjournment. The Government would oppose it, because they desired to go on with the business of the country.²⁵⁰

MR. LYON consented to withdraw the amendment.²⁵¹

MR. HOLTON said the Attorney General had taken a somewhat extraordinary course in characterising as he had done the statements in the letter of Hon. Mr. Ross. He wanted to know whether it was true or not, that that letter was communicated to the members of the Executive Council before being sent in formally and by them accepted as a correct statement of the facts.²⁵²

MR. AT. GEN. DRUMMOND said the members of the Executive Council had never expected that that letter would be produced to the Council. It was²⁵³ handed to the hon. Mr. Tache and²⁵⁴ read to them and immediately the gentleman who wrote it, rose and shook hands with them all, saying he

would not oppose the ministry, but would give it every support in his power. They were not asked to call in question or to admit the truth of the statements in that letter. They had not anticipated that the hon. gentleman would have asked the permission of his Excellency to communicate the letter to the public, and not having themselves asked that permission they were not at liberty to gainsay it. He was just informed by the Attorney General West that Mr. Ross afterwards stated to Col. Tache that he would read this letter in the House, but this was after the letter had been communicated, after he had withdrawn from the Council Room, and certainly it was not a communication made in open Council.²⁵⁵

MR. J.S. MACDONALD expressed his dissatisfaction with the course pursued by the Government.²⁵⁶ This was the first time he had heard of a Government taking shelter under the want of authority to make explanations in opposition to what had been said by a colleague who had retired.²⁵⁷ He was not disposed to go to England for a precedent on a subject upon which the people of this country were equally well able to judge.²⁵⁸

MR. AT. GEN. J.A. MACDONALD asked if Mr. Holton had understood him to controvert the statements made in Mr. Ross' letter.²⁵⁹

MR. HOLTON asked in return, if the Attorney General admitted the correctness of all the facts stated in the letter, and whether he and his colleagues had accepted those statements as correct, before the letter was formally sent in.²⁶⁰

MR. AT. GEN. J.A. MACDONALD. — Not having got permission, I can neither admit nor deny them, but I will get permission.²⁶¹

MR. AT. GEN. DRUMMOND. — Our concurrence in that statement of facts was never stated. The letter of Mr. Ross was read to us, and he then immediately left the room.²⁶²

MR. INSP. GEN. CAYLEY said as there appeared to be a misconception, they would obtain the consent of His Excellency to make explanations to-morrow.²⁶³

A division was then taken on Mr. Macdonald's amendment²⁶⁴.

(347-348)

The Honorable Mr. Attorney General *Macdonald* moved in amendment to the said proposed Amendment, seconded by Mr. Solicitor General *Smith*, That the words "the appointment of a Member of this House to a place in the Provincial Cabinet, without an Administrative Department, and the retention of his Seat in the House of Assembly by such Member, without re-election by his constituents, is contrary to the system of Constitutional Government established in *Canada*, and is calculated to impair that healthful influence which the People ought to exercise over the Executive Government of the country, and over their Representatives" be left out, and the words "the acceptance by the Honorable *Joseph Curran Morrison* of office, without any emolument attached thereto, is not such an acceptance of office as vacates his Seat in this House, by the Act for better securing the Independence of Parliament" inserted instead thereof;

(348)

And the Question being put on the Amendment to the said proposed Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Alley, Bowes, Brodeur, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Cryser, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Egan, Evanturel, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Attorney General Macdonald, McCann, Masson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, O'Farrell, Polette, Poulin, Pouliot, Powell, Rhodes, Robinson, Roblin, Solicitor General Ross, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Taché, Terrill, Thibaudeau, Turcotte, and Yeilding.* — (61.)

NAYS.

Messieurs *Aikins, Bell, Biggar, Bourassa, Brown, Bureau, Christie, Conger, Cooke, Cook, Charles Daoust, Darche, Delong, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Ferrie, Foley, Frazer, Galt, Hartman, Holton, Huot, Jackson, Jobin, Laberge, Lumsden, Lyon, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Matheson, Mattice, Merritt, Murney, Papin, Patrick, Prévost, Rolph, Scatcherd, Southwick, Valois, Wright, and Young.* — (45.)

So it was resolved in the Affirmative.

And the Question being put on the Amendment to the original Question as amended; the House divided: and the names being called for, they were taken down, as follow: —

(348-349)

YEAS.

Messieurs *Alleyn, Bowes, Brodeur, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Crysler, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Egan, Evanturel, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Attorney General Macdonald, McCann, Masson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, O'Farrell, Polette, Poulin, Pouliot, Powell, Rhodes, Robinson, Roblin, Solicitor General Ross, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Taché, Terrill, Thibaudeau, Turcotte, and Yeilding.* — (62.)

(349)

NAYS.

Messieurs *Aikins, Bell, Biggar, Bourassa, Brown, Bureau, Christie, Conger, Cooke, Cook, Charles Daoust, Darche, Delong, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Ferrie, Foley, Frazer, Galt, Hartman, Holton, Huot, Jackson, Jobin, Laberge, Lumsden, Lyon, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Matheson, Mattice, Merritt, Murney, Papin, Patrick, Prévost, Rolph, Scatcherd, Southwick, Valois, Wright, and Young.* — (45.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put, That the acceptance by the Honorable *Joseph Curran Morrison* of office, without any emolument attached thereto, is not such an acceptance of office as vacates his Seat in this House, by the Act for better securing the Independence of Parliament; the House divided: — And it was resolved in the Affirmative.

Then, on motion of Mr. *Masson*, seconded by Mr. *Desaulniers*,
The House adjourned.²⁶⁵

Appendix

[NOTICE OF MOTION RE: ADJOURNMENT OF THE HOUSE.]

CAPT. RHODES said that as a motion for adjournment was always in order, he would give notice that on Wednesday next, he would move that when the House adjourned on the first of May next, it do stand adjourned until the 2nd of June.²⁶⁶

Footnotes

1. *Toronto Daily Leader*, 22 April 1856, and *Globe*, 22 April 1856, report that the message from His Excellency was delivered to the House during the subsequent debate on ministerial changes (see page 1482).
2. *Toronto Daily Leader*, 22 April 1856.
3. *Ibid.*

4. *Globe*, 22 April 1856.
5. *Toronto Daily Leader*, 22 April 1856. *Western Planet*, 1 May 1856, reports a short commentary in which it is noted that "the past week has been one of considerable political excitement. On Friday the rumour of Mr. Jno. Ross' intended resignation became changed for a confident assertion that he had resigned, and when the question was put to the Ministers in the House on Friday evening they were unable to contradict it, though they refused for the moment to make any explanations. On Saturday, all doubt was cleared up by the appearance of the official Gazette, announcing the appointment of Col. Tache to the place of Mr. Ross as Speaker of the Legislative Council, and of Mr. J.C. Morrison as a member of the Executive Council".
6. *Toronto Daily Leader*, 22 April 1856.
7. *Montreal Gazette*, 24 April 1856.
8. *Globe*, 22 April 1856.
9. *Toronto Daily Leader*, 22 April 1856.
10. *Globe*, 22 April 1856.
11. *Toronto Daily Leader*, 22 April 1856.
12. *Globe*, 22 April 1856.
13. *Toronto Daily Leader*, 22 April 1856.
14. *Globe*, 22 April 1856.
15. *Toronto Daily Leader*, 22 April 1856.
16. *Globe*, 22 April 1856.
17. *Morning Chronicle*, 26 April 1856.
18. *Globe*, 22 April 1856.
19. *Toronto Daily Leader*, 22 April 1856.
20. *Ibid.*
21. *Ibid.*
22. *Globe*, 22 April 1856.
23. *Toronto Daily Leader*, 22 April 1856.
24. *Ibid.*
25. *Montreal Gazette*, 24 April 1856.
26. *Globe*, 22 April 1856.
27. *Montreal Gazette*, 24 April 1856.
28. *Globe*, 22 April 1856.
29. *Montreal Gazette*, 24 April 1856.
30. *Globe*, 22 April 1856.
31. *Montreal Gazette*, 24 April 1856.
32. *Globe*, 22 April 1856. According to *Montreal Gazette*, 24 April 1856, Mr. Dorion referred to "Mr. Barber, then member for Southwick" and to a motion made by "Mr. C.W. Wynne".
33. *Montreal Gazette*, 24 April 1856.
34. *Globe*, 22 April 1856.
35. *Ibid.*
36. *Ibid.*
37. *Ibid.*
38. *Toronto Daily Leader*, 22 April 1856.
39. *Toronto Daily Leader*, 22 April 1856. The list of bills assented to by the Governor General is reported in the *Journals*, page 346) 1479-1480.
40. *Globe*, 22 April 1856.
41. *Montreal Gazette*, 24 April 1856.
42. *Globe*, 22 April 1856.
43. *Montreal Gazette*, 24 April 1856.
44. *Globe*, 22 April 1856.
45. *Montreal Gazette*, 24 April 1856.
46. *Globe*, 22 April 1856.
47. *Ibid.*
48. *Montreal Gazette*, 24 April 1856.
49. *Globe*, 22 April 1856.
50. *Montreal Gazette*, 24 April 1856.
51. *Globe*, 22 April 1856.
52. *Toronto Daily Leader*, 22 April 1856.

53. *Globe*, 22 April 1856.
54. *Montreal Gazette*, 24 April 1856.
55. *Ibid.*
56. *Ibid.*
57. *Globe*, 22 April 1856.
58. *Montreal Gazette*, 24 April 1856.
59. *Globe*, 22 April 1856.
60. *Montreal Gazette*, 24 April 1856.
61. *Globe*, 22 April 1856.
62. *Toronto Daily Leader*, 22 April 1856.
63. *Ibid.*
64. *Montreal Gazette*, 24 April 1856.
65. *Toronto Daily Leader*, 22 April 1856.
66. *Montreal Gazette*, 24 April 1856.
67. *Ibid.*
68. *Hamilton Spectator Semi-Weekly*, 26 April 1856.
69. *Globe*, 22 April 1856.
70. *Montreal Gazette*, 24 April 1856.
71. *Globe*, 22 April 1856.
72. *Montreal Gazette*, 24 April 1856.
73. *Globe*, 22 April 1856.
74. *Montreal Gazette*, 24 April 1856.
75. *Globe*, 22 April 1856.
76. *Montreal Gazette*, 24 April 1856.
77. *Globe*, 22 April 1856.
78. *Ibid.*
79. *Ibid.*
80. *Montreal Gazette*, 24 April 1856.
81. *Globe*, 22 April 1856.
82. *Toronto Daily Leader*, 22 April 1856.
83. *Globe*, 22 April 1856.
84. *Toronto Daily Leader*, 22 April 1856.
85. *Globe*, 22 April 1856.
86. *Montreal Gazette*, 24 April 1856.
87. *Toronto Daily Leader*, 22 April 1856.
88. *Globe*, 22 April 1856. In a commentary, this newspaper remarks that "while the debate was in progress on this point, Mr. Ross had read his letter in the Council, and Mr. Jackson, the member for Grey, took the earliest opportunity to rise and read it in a loud and distinct tone to the House, accompanying it with remarks which terribly shocked the nerves of Her Majesty's Ministers. Mr. Jackson is a stout built Yorkshireman, with a slow, emphatic way of speaking. He brought out all the nice points of Mr. Ross's letter with great gusto, and appeared to enjoy the fun of seeing Mr. Cayley fidgetting with his papers, and growing red in the face, Mr. Drummond and Mr. Macdonald looking pale, and Mr. Spence putting his hand over his mouth to conceal his emotions. The Opposition, as a matter of course, heartily cheered the sentiments of the letter, and altogether the scene was a rich one."
89. *Toronto Daily Leader*, 22 April 1856.
90. *Globe*, 22 April 1856.
91. *Toronto Daily Leader*, 22 April 1856.
92. *Globe*, 22 April 1856.
93. *Ibid.*
94. *Toronto Daily Leader*, 22 April 1856.
95. *Montreal Gazette*, 24 April 1856.
96. *Globe*, 22 April 1856.
97. *Toronto Daily Leader*, 22 April 1856.
98. *Globe*, 22 April 1856.
99. *Toronto Daily Leader*, 22 April 1856.
100. *Ibid.*
101. *Globe*, 22 April 1856.
102. *Toronto Daily Leader*, 22 April 1856.

103. *Globe*, 22 April 1856.
104. *Toronto Daily Leader*, 22 April 1856.
105. *Globe*, 22 April 1856.
106. *Toronto Daily Leader*, 22 April 1856.
107. *Globe*, 22 April 1856.
108. *Toronto Daily Leader*, 22 April 1856.
109. *Globe*, 22 April 1856.
110. *Toronto Daily Leader*, 22 April 1856. *Globe*, 22 April 1856, in a commentary, reports that "Mr. Spence rose, pale and nervous. He took up the defensive from the beginning."
111. *Globe*, 22 April 1856.
112. *Toronto Daily Leader*, 22 April 1856.
113. *Globe*, 22 April 1856.
114. *Toronto Daily Leader*, 22 April 1856.
115. *Globe*, 22 April 1856.
116. *Toronto Daily Leader*, 22 April 1856.
117. *Globe*, 22 April 1856.
118. *Toronto Daily Leader*, 22 April 1856.
119. *Globe*, 22 April 1856.
120. *Toronto Daily Leader*, 22 April 1856.
121. *Ibid.*
122. *Globe*, 22 April 1856.
123. *Toronto Daily Leader*, 22 April 1856.
124. *Globe*, 22 April 1856.
125. *Toronto Daily Leader*, 22 April 1856.
126. *Globe*, 22 April 1856.
127. *Toronto Daily Leader*, 22 April 1856.
128. *Globe*, 22 April 1856.
129. *Toronto Daily Leader*, 22 April 1856.
130. *Ibid.*
131. *Ibid.*
132. *Globe*, 22 April 1856.
133. *Toronto Daily Leader*, 22 April 1856.
134. *Globe*, 22 April 1856.
135. *Toronto Daily Leader*, 22 April 1856.
136. *Globe*, 22 April 1856.
137. *Toronto Daily Leader*, 22 April 1856.
138. *Globe*, 22 April 1856.
139. *Hamilton Spectator Semi-Weekly*, 26 April 1856.
140. *Globe*, 22 April 1856.
141. *Toronto Daily Leader*, 22 April 1856.
142. *Ibid.*
143. *Ibid.*
144. *Ibid.*
145. *Globe*, 22 April 1856.
146. *Toronto Daily Leader*, 22 April 1856.
147. *Globe*, 22 April 1856.
148. *Toronto Daily Leader*, 22 April 1856.
149. *Globe*, 22 April 1856.
150. *Montreal Gazette*, 24 April 1856.
151. *Globe*, 22 April 1856.
152. *Ibid.*
153. *Toronto Daily Leader*, 22 April 1856.
154. *Globe*, 22 April 1856.
155. *Toronto Daily Leader*, 22 April 1856.
156. *Globe*, 22 April 1856.
157. *Ibid.*
158. *Hamilton Spectator Semi-Weekly*, 26 April 1856.

159. *Globe*, 22 April 1856.
160. *Toronto Daily Leader*, 22 April 1856.
161. *Globe*, 22 April 1856.
162. *Toronto Daily Leader*, 22 April 1856.
163. *Globe*, 22 April 1856.
164. *Ibid.*
165. *Ibid.*
166. *Toronto Daily Leader*, 22 April 1856.
167. *Ibid.*
168. *Globe*, 22 April 1856.
169. *Toronto Daily Leader*, 22 April 1856.
170. *Globe*, 22 April 1856.
171. *Toronto Daily Leader*, 22 April 1856.
172. *Globe*, 22 April 1856.
173. *Toronto Daily Leader*, 22 April 1856.
174. *Globe*, 22 April 1856.
175. *Toronto Daily Leader*, 22 April 1856.
176. *Globe*, 23 April 1856.
177. *Ibid.*
178. *Montreal Gazette*, 25 April 1856.
179. *Hamilton Spectator Semi-Weekly*, 26 April 1856.
180. *Globe*, 23 April 1856.
181. *Toronto Daily Leader*, 23 April 1856.
182. *Globe*, 23 April 1856.
183. *Toronto Daily Leader*, 23 April 1856.
184. *Globe*, 23 April 1856.
185. *Montreal Gazette*, 25 April 1856.
186. *Toronto Daily Leader*, 23 April 1856.
187. *Globe*, 23 April 1856.
188. *Ibid.*
189. *Toronto Daily Leader*, 23 April 1856.
190. *Globe*, 23 April 1856.
191. *Toronto Daily Leader*, 23 April 1856.
192. *Globe*, 23 April 1856.
193. *Toronto Daily Leader*, 23 April 1856.
194. *Globe*, 23 April 1856.
195. *Toronto Daily Leader*, 23 April 1856.
196. *Globe*, 23 April 1856.
197. *Toronto Daily Leader*, 23 April 1856.
198. *Globe*, 23 April 1856.
199. *Toronto Daily Leader*, 23 April 1856.
200. *Montreal Gazette*, 25 April 1856.
201. *Toronto Daily Leader*, 23 April 1856.
202. *Globe*, 23 April 1856.
203. *Toronto Daily Leader*, 23 April 1856.
204. *Ibid.*
205. *Montreal Gazette*, 25 April 1856.
206. *Globe*, 23 April 1856.
207. *Ibid.*
208. *Ibid.*
209. *Globe*, 23 April 1856. *Toronto Daily Leader*, 23 April 1856, summarizes Mr. Rankin's speech in the following manner: "Mr. Rankin denounced the Administration as utterly faithless and corrupt, and indulged in an extremely virulent attack on the hon. Attorney General, West, who, he averred, had been the abettor of all the intriguing which had been going on in the Government in order to induce or force the Premier to resign. He thought the example of the government most demoralizing, and much regretted to see their strength increased by the addition of the hon. member for Niagara."
210. *Globe*, 23 April 1856.
211. *Montreal Gazette*, 25 April 1856.

212. *Globe*, 23 April 1856.
213. *Ibid.*
214. *Toronto Daily Leader*, 23 April 1856.
215. *Globe*, 23 April 1856.
216. *Ibid.*
217. *Ibid.*
218. *Toronto Daily Leader*, 23 April 1856.
219. *Globe*, 23 April 1856.
220. *Ibid.*
221. *Ibid.*
222. *Toronto Daily Leader*, 23 April 1856.
223. *Globe*, 23 April 1856.
224. *Toronto Daily Leader*, 23 April 1856.
225. *Globe*, 23 April 1856.
226. *Toronto Daily Leader*, 23 April 1856.
227. *Globe*, 23 April 1856.
228. *Hamilton Spectator Semi-Weekly*, 26 April 1856.
229. *Globe*, 23 April 1856. In a commentary, *Western Planet*, 1 May 1856, reports information on the debate which is singularly different from the reports of the major verbatim sources. It states that regarding Mr. Ross' resignation, ministers had "expressions of respect and regret; but they were accompanied by insinuations rather than charges, which showed that ministers while professing regard for him desired to lower him in public opinion.... Mr. Spence led off and the others followed with hints and in[n]uendoes connecting Mr. Ross with Messrs. Holton and Galt, and pointing them all out to the public as persons who desired for personal ends to extend to the Grand Trunk Company some great and dangerous favour which the gentlemen still remaining in the ministry were resolved to refuse. The climax of this sort of statement was reached by Mr. Thomas Daly who affirmed that the whole question as respected Mr. Ross was in his mind reduced to this alternative, whether the country should have a Coalition Government or a Grand Trunk Government. On the other hand, the friends of Mr. Ross denied that the Grand Trunk had anything to do with the matter, and Mr. Galt repeatedly challenged Mr. Cayley to say exactly what it was of which he intended to accuse the President of the Grand Trunk and himself. To these challenges Mr. Cayley made no reply."
230. *Montreal Gazette*, 25 April 1856.
231. *Globe*, 23 April 1856.
232. *Toronto Daily Leader*, 23 April 1856.
233. *Ibid.*
234. *Ibid.*
235. *Globe*, 23 April 1856.
236. *Globe*, 23 April 1856. According to *Toronto Daily Leader*, 23 April 1856, Mr. Brown "spoke at some length on the unconstitutionality of the course pursued in this instance."
237. *Globe*, 23 April 1856.
238. *Toronto Daily Leader*, 23 April 1856.
239. *Globe*, 23 April 1856.
240. *Ibid.*
241. *Toronto Daily Leader*, 23 April 1856.
242. *Globe*, 23 April 1856.
243. *Toronto Daily Leader*, 23 April 1856.
244. *Ibid.*
245. *Globe*, 23 April 1856.
246. *Toronto Daily Leader*, 23 April 1856.
247. *Globe*, 23 April 1856.
248. *Toronto Daily Leader*, 23 April 1856.
249. *Globe*, 23 April 1856.
250. *Toronto Daily Leader*, 23 April 1856.
251. *Ibid.*
252. *Globe*, 23 April 1856.
253. *Ibid.*
254. *Toronto Daily Leader*, 23 April 1856.
255. *Globe*, 23 April 1856.
256. *Toronto Daily Leader*, 23 April 1856.

257. *Globe*, 23 April 1856.
258. *Montreal Gazette*, 25 April 1856.
259. *Globe*, 23 April 1856.
260. *Ibid.*
261. *Ibid.*
262. *Ibid.*
263. *Toronto Daily Leader*, 23 April 1856. In a short commentary, *Globe*, 23 April 1856, asserts that "Mr. Attorney General Drummond made a statement which seriously impugned the veracity of Mr. John Ross. The latter gentleman had asserted in the Legislative Council on the same afternoon, that he had laid his letter of resignation before his colleagues and that they assented to his statement of facts. Mr. Drummond, on the other hand, denied that any permission had been given to Mr. Ross to read his letter, and that no agreement as to the facts had been arrived at. Yesterday afternoon Mr. Ross took an opportunity to state in the Council the facts of the case, and he did it in so precise a manner that there can be little doubt of their entire exactness. He said that on Saturday, in the presence of Messrs. Tache and Macdonald, he was informed by his Excellency of the acceptance of his resignation, and that immediately afterwards in the Aide-de-Camp's room, he conferred with the two ministers above named, as to the explanations to be made by him in the Council. 'It was then and there agreed' said the honourable gentleman, 'between Messrs. Tache, Macdonald and myself, that the explanations should be confined to the reading of my letter of resignation, which, it was further agreed, should be read by me on Monday in the Legislative Council; and with respect to the Lower House, Mr. Macdonald said, "I had better give a copy of the letter to a member of that honourable House, to be read there, in the event of any discussion arising there on the subject." ' Be it remarked that this arrangement was made after Mr. Ross had read his letter in full council, and after Mr. Tache had, as a matter of course, a copy of it in his possession. How could Mr. Drummond assert that the ministry were surprised at Mr. Ross reading the letter, that they had not agreed upon a statement of facts? How could Mr. Macdonald hear that assertion made without contradicting it?" *Western Planet*, 1 May 1856, gives similar information, to the effect that "Mr. Ross' letter of resignation was read in both Houses. Mr. Drummond, however, undertook to affirm that he and his remaining colleagues were very much surprised that it should have been so read; the expression of surprise of course conveying the sense of censure, as if some breach of confidence was implied in what had been done. Well, the next day Mr. Ross again repeated that he had invited Messrs. Tache and J.A. McDonald to a conference, in order that they might agree upon the facts, which were to be laid before the House, and that Mr. J.A. McDonald himself proposed that the letter should be read, as the best mode of clearing up the difficulty.... The difference between the statements of the ministers and the ex-minister caused certain members in the Lower House to demand some new explanations, and they appeared to expect that Mr. Drummond would either withdraw what he had said before, or show why he differed from Mr. Ross and Mr. Tache. Mr. Drummond did neither; but Mr. Cayley promised some more information when the House went into Committee on the Tariff."
264. *Globe*, 23 April 1856.
265. *Globe*, 23 April 1856, reports the house adjourned at "half past one."
- Several newspapers report commentaries on this day's debate, dwelling at length on the constitutionality of Mr. J. Morrison's appointment to the Executive Council, and more particularly on Mr. Ross' position in regard to the Grand Trunk Railway, which is believed to be the true reason behind his resignation. Such commentaries can be found in *Toronto Daily Leader*, 22 April 1856; *Globe*, 22 April 1856; *Morning Chronicle*, 23 April 1856; *Hamilton Spectator Semi-Weekly*, 23 and 26 April 1856; *Montreal Gazette*, 28 April 1856; and *Western Planet*, 1 May 1856.
266. *Toronto Daily Leader*, 22 April 1856.

TUESDAY, 22 APRIL 1856

(349)

THE following Petitions were severally brought up, and laid on the table: —

By Mr. *Octave Cyrille Fortier*, — The Petition of the Municipality of the Parish of *St. Gervais*.

By Mr. *Roblin*, — The Petition of *W. McFadden* and others, of the County of *Northumberland*.

By Mr. *Crawford*, — The Petition of the Municipality of the Township of *Elizabethtown*.

By Mr. *Hartman*, — The Petition of *E. Wilcox* and others, of the Township of *Whitchurch*.

By Mr. *Shaw*, — The Petition of the Municipality of the Township of *North Elmsley*.

By Mr. *Marchildon*, — The Petition of the Municipality of the Parish of *Ste. Geneviève de Batiscan*.

(350)

By Mr. *Dufresne*, — The Petition of *A. Lamothe* and others, of the Parish of *Ste. Mélanie de Daillebout*; and the Petition of *Gédéon Poirier* and others, Justices of the Peace for the District of *Montreal*.

By Mr. *Christie*, — The Petition of *Arthur Burnet* and others, of the Township of *South Dumfries*.

By Mr. *Evanturel*, — The Petition of the School Commissioners of the Municipality of *Stadacona*, District of *Quebec*.

By Mr. *Casault*, — The Petition of the Reverend *N. Alphonse Leclerc* and others, of the Parish of *St. Thomas*, and of the Village of *Montmagny*.

By Mr. *Bureau*, — The Petition of *Henry Blake* and others, of *Côte St. François* and *St. James*, in the Township of *Sherrington*.

By Mr. *Charles Daoust*, — The Petition of the Reverend *J.T.O. Archambault* and others, of *St. Clément* and other Parishes, County of *Beauharnois*; and the Petition of the Reverend *J.O. Archambault* and others, of *St. Timothée*, County of *Beauharnois*.

By Mr. *Jean Baptiste Eric Dorion*, — The Petition of *William Mountain* and others, of *Durham*, County of *Drummond*; and the Petition of *F. Préfontaine* and others, of *Durham*.

By Mr. *Brown*, — The Petition of *John Dunn* and others, of the Town of *Stratford*; and the Petition of the Baptist Church and Congregation of *Clarence*, County of *Russell*.

By Mr. *Darche*, — The Petition of *Octave Régner* and others, of *Pointe aux Trembles*; the Petition of *R. Turcotte* and others, of *Rivière des Prairies*; and the Petition of *M. Lemonde* and others, of *St. Jean Baptiste de Rouville*.

By Mr. *Antoine Aimé Dorion*, — The Petition of *Jacob DeWitt* and others, of the City of *Montreal*.

By Mr. *Ferres*, — The Petition of the Municipality of the Township of *Bolton*; and the Petition of *John McNulty*, of the City of *Quebec*, Bailiff.

The Honorable Mr. *Young*, from the Standing Committee on Public Accounts, presented to the House the Third Report of the said Committee; which was read.

For the said Report, see Appendix (No. 30.)

Mr. *Jean Baptiste Eric Dorion*, from the Standing Committee on Standing Orders, presented to the House the Twelfth Report of the said Committee; which was read, as followeth: —

Your Committee have examined the following Petitions, and find the Notices thereon sufficient, viz: — Of the Mayor and Corporation of the Town of *Cornwall*, for an Act to vest in them certain lots in the said Town; of the Municipal Council of the United Counties of *Northumberland* and *Durham*, for an Act to legalize certain By-Laws; of *John Robert Martin* and others, of *Saltfleet*, relative to a Road allowance; of the Municipal Council of the County of *Waterloo*, relative to their liability for a portion of the *Guelph* and *Dundas* Road debt; of *Thomas Kay* and others, of the Town of *Lindsay*, County of *Victoria*, for an Act to separate the Counties

of *Peterborough* and *Victoria*; and of *Henry Augustus Fitzgerald McLeod*, of the City of *London*, County of *Middlesex*, Civil Engineer.

They have also examined the Petition of the Mayor, Aldermen, and Commonalty of the City of *Kingston*, for an Act of incorporation to construct a Railway from *Kingston* to *Newburg*, with power to extend the same, and they find that Notice has been published only since the 20th of March last; how far it may be expedient to suspend the 62nd Rule, they leave it to Your Honorable House to decide.

(351)

On the Petition of *Henry Yardington* and others, for incorporation of the *British Farmers' Union Insurance Company* of *Brantford*, the first Notice only has been proved before Your Committee (dated 25th August last.) They have every reason to believe that it was continued to be published, but the file of the paper cannot be found; the powers applied for are not, however, of a nature to affect prejudicially the rights of other parties, and Your Committee would therefore beg to recommend that the Notice be considered sufficient.

On the Petition of *George Moberley* and others, of *Collingwood*, for incorporation of the *Lake Huron Transit Company*, it appears that no Notice has been given; and Your Committee reported recently upon a Petition for incorporation of a Company of a like nature, but taking a different route, that full Notice had been published; it has been represented to Your Committee, however, that no opposition or objection is offered by this other Company, as their operations will not interfere with each other, and there being no other interests that could be affected by the present application, Your Committee are willing to recommend a suspension of the 62nd Rule.

The Petitions of *Alfred Faulkenburg*, Merchant, of the City of *Quebec*, praying to be naturalized; and of *S. Zimmerman* and others, for certain amendments to the Act incorporating the *Zimmerman Bank* (involving no increase of powers,) are not of a nature to require the publication of Notice.

On the Petitions of the Honorable and Right Reverend *John Strachan*, Bishop of *Toronto*, and the Reverend *J.F. Lundy*, Rector of *Grimsby*, for power to sell a certain Lot in *Uxbridge*, belonging to the Rectory of *Grimsby*; and of the Trustees of the *Mount Royal Cemetery Company*, Your Committee find that the requisite local Notices have not been given.

This is also the case with respect to the following Petitions, which are of such a nature that Your Committee consider that the Notice should on no account be dispensed with, viz: — Of the Municipality of the Township of *Reach*, for the confirmation of certain By-Laws for closing Road allowances; of the same, for an Act to attach a portion of *Mariposa* to *Reach*; of the Municipality of the Township of *Brighton*, for an Act to vest a certain Road allowance in *William Butler*; of *Charles Allan* and others, of the Village of *Elora*, for incorporation of that Village; and of *James McLanagan* and others, of the western half of the Township of *Garafraxa*, for a division of the Township.

Your Committee, before concluding their Report, would beg leave to express their regret at the very frequent suspension of the 62nd Rule during the present Session; the Notices required to be given under that Rule are designed for the protection of parties whose rights might be infringed by the operation of Private or Local Acts, and it is but just and right that all such parties should have due Notice to prevent their being taken by surprise, and Your Committee cannot but feel that the practice of indiscriminately dispensing with these Notices must have a most injurious tendency; and they therefore beg leave most respectfully to suggest, that in future no Motion for suspending the said Rule in any particular case be passed, until the matter in question shall have been first referred to Your Committee, and have been favourably reported upon.

[On motion of] MR. STEVENSON¹,

(351)

Resolved, That this House doth concur in the Thirteenth Report of the Standing Committee on Printing.

Ordered, That Mr. *James Smith* have leave to bring in a Bill to separate the County of *Victoria* from the County of *Peterborough*, and to fix the County Town at *Lindsay*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

[On motion of] MR. AT. GEN. J.A. MACDONALD²,

(351-352)

Ordered, That the 62nd Rule of this House be suspended as regards a Bill to incorporate the *Kingston and Newburg Railway Company*.

Ordered, That the Honorable Mr. Attorney General *Macdonald* have leave to bring in a Bill to incorporate the *Kingston and Newburg Railway Company*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

(352)

Ordered, That the Petition of *Jacob Misener* and others, be referred to the Select Committee to which was referred the Petition of *James K. Benson* and others, of the Town of *St. Catharines*.

The Honorable Mr. Attorney General *Macdonald* moved, seconded by the Honorable Mr. *Cayley*, That this House will, on Friday next, resolve itself into a Committee, to consider the expediency of appropriating a certain sum of money for a term not exceeding five years, to defray the Expenses of the Geological Survey of this Province.

The Honorable Mr. Attorney General *Macdonald*, a Member of the Executive Council, by command of His Excellency the Governor General, then acquainted the House, That His Excellency having been informed of the subject-matter of this Motion, recommends it to the consideration of the House.

Resolved, That this House will, on Friday next, resolve itself into the said Committee.

On motion [of] Mr. Solicitor General *Smith*, seconded by the Honorable Mr. Attorney General *Macdonald*,

Ordered, That the Orders of the day be now read.

And the Order of the day for taking into consideration the Reasons of absence of such Members as were not present at the Call of the House on Monday the fourteenth instant, being read;

Ordered, That the said Order of the day be postponed until Thursday the first day of May next.

[On motion of] MR. CRAWFORD³,

(352)

A Bill to incorporate the *Buffalo and Lake Huron Railway Company*, and for other purposes, was, according to Order, read the third time.

On motion of the Honorable Mr. *Cayley*, seconded by Mr. *Crawford*, an amendment was made to the 36th Clause of the Bill, by leaving out the words "at or near the Town of *Bayfield*, or at or near both of the said places" and inserting instead thereof the words "and with power to construct a Branch of the said Railway to some point at or near the Town of *Bayfield*."

DR. FRAZER moved that the said Bill ... be referred back to the Committee of the Whole, for the purpose of adding thereto clauses to secure the debt due to the labourers.⁴

MR. CRAWFORD thought that the hon. gentleman introduced a clause of that kind before.⁵

MR. SICOTTE the SPEAKER decided that it was in order.⁶

DR. FRAZER did not wish to obstruct the Bill, but was anxious that the rights of the labourers should be protected.⁷

MR. CRAWFORD said the Company intended to protect the *bona fide* claims of those persons.⁸

The motion was then put⁹.

(352)

Mr. *Frazer* moved, seconded by Mr. *Aikins*, and the Question being put, That the Bill, as amended, be re-committed to a Committee of the whole House, with an Instruction to add the following Clauses thereto: —

Clause (A.) That for the purpose of winding up the affairs of the said *Buffalo, Brantford, and Goderich* Railway Company, and of making an equal distribution of the assets, among the unsecured creditors of the said Company, the persons who, in conjunction with the person who for the time being shall be managing Director of the *Buffalo* and Lake *Huron* Railway Company, and the President of the *Buffalo, Brantford, and Goderich* Railway Company, shall be a Board of Commissioners, whose duty it shall be (subject to the provisions hereinafter mentioned,) to examine and adjudicate upon all claims not secured by judgments or bonds deposited as collateral security against the said *Buffalo, Brantford, and Goderich* Railway Company, and for such purpose the said Commissioners shall have full power to call for persons, papers, and records.

(353)

Clause (B.) That all moneys to be paid by the said *Buffalo* and Lake *Huron* Railway Company, to the said *Buffalo, Brantford, and Goderich* Railway Company, under the said agreement, shall be paid by the said first mentioned Company into some one of the Chartered Banks of this Province, to the credit of the said Commissioners, and payment by the said Company of such moneys shall be a full and complete discharge to the said Company, and shall entitle them to hold and possess the property on account of which such payment shall be made free and clear of all judgment, claims, or incumbrances whatsoever; and any judgment, claim, or demand whatsoever against the said *Buffalo, Brantford, and Goderich* Railway Company, shall, as against the said *Buffalo* and Lake *Huron* Railway Company, be converted into claims against the moneys so paid by the said *Buffalo* and Lake *Huron* Railway Company to the said Commissioners: Provided always, that it shall not be necessary for the said *Buffalo* and Lake *Huron* Railway Company to see to the application of any of the moneys so paid by them.

Clause (C.) That the Directors of the said *Buffalo, Brantford, and Goderich* Railway Company shall have full power and authority, and they are hereby authorized to make such disposition of the other assets and effects of the Company as to them may seem most advantageous for the interests of the said Company: Provided always, that all moneys received by them shall be paid into one of the Chartered Banks of this Province to the credit of the Commissioners before mentioned.

Clause (D.) That said Commissioners shall give Notice to all persons having claims against the said *Buffalo, Brantford, and Goderich* Railway, of the time and place at which the Meeting of such Commissioners shall be held, which said Notice shall be given in such newspapers, not less than three, as the Commissioners may choose, published in the Counties through which the Line of the said Railway is located, and in the *Canada Gazette*, and also in at least one newspaper in the City of *Buffalo*, at least one month previous to the holding of such Meeting, calling upon all persons holding claims against the said Company to produce and prove the same before the said Commissioners, or that in default of their so doing they will be barred from any claim against the said Company.

Clause (E.) That it shall be lawful for the said Commissioners to adjourn their Meetings from time to time as to them may seem necessary, for the purpose of receiving and adjudicating upon such claims as may be brought before them; and they shall have power and authority to summon and examine all claimants and witnesses produced before them upon oath, which oath the Chairman of any such Meeting of Commissioners shall have power to administer; and if any person so sworn shall wilfully swear falsely, he shall incur the pains and penalties of and be liable to be indicted for perjury.

Clause (F.) That after the said Commissioners shall have received and adjudicated upon all such claims as may be brought before them, it shall be the duty of the said Commissioners to divide the assets and effects of the *Buffalo, Brantford, and Goderich* Railway Company in the manner following: "First, In payment of all sums of money advanced by any person or persons in payment of any interest due, or which may become due prior to the passing of this Act, on any of the mortgage bonds issued by the *Buffalo, Brantford, and Goderich* Railway. Second, In payment of any amount secured by judgments recovered against the said Company. Third, In payment of the amount of any claims for which the parties having such claims, hold mortgage bonds deposited with them as collateral security for the payment of such claims; provided always,

(354)

that no payment shall be made by the said Commissioners to persons holding such mortgage bonds, until the bonds so held are delivered up to the said Commissioners to be cancelled. Fourth, In payment of wages, salaries, and such claims as the Directors of the Company shall report to the said Commissioners, should, in their opinion, be preferred; provided always, that it shall be competent for the said Commissioners to examine into the correctness of such claims. Fifth, That it shall be the duty of the said Commissioners after payment of the before mentioned claims against the said *Buffalo, Brantford, and Goderich* Railway Company, to divide equally among all other persons being creditors of the said Company, who shall have proved their claims before the said Commissioners, whatever moneys shall remain in the hands of the said Commissioners, all payments to be made by the said Commissioners by check of one of the said Commissioners who shall be authorized at any Meeting of the said Commissioners to sign the same, countersigned by the Secretary of the said Commissioners;"

The House divided: — And it passed in the Negative.

Resolved, That the Bill do pass, and the Title be, "An Act to incorporate the *Buffalo and Lake Huron* Railway Company, with power to purchase from the *Buffalo, Brantford, and Goderich* Railway Company their line of Railway, and for other purposes."

Ordered, That Mr. *Crawford* do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to change the name of *George Byron Lyon* and his family, by adding the name of "*Fellowes*," was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Solicitor General *Smith* do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the second reading of the Bill to incorporate the Transatlantic Telegraph Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Ordered, That the 71st Rule of this House be suspended as regards the said Bill.

Mr. *Casault*, from the Committee to which it was referred to consider of the Motion made, on Friday the twenty-eighth day of March last, That a Supply be granted to Her Majesty, reported a Resolution; which was read, as followeth: —

Resolved, That a Supply be granted to Her Majesty.

The said Resolution, being read a second time, was agreed to.

On motion of MR. INSP. GEN. CAYLEY¹⁰,

(354)

Resolved, That this House will, on Friday next, resolve itself into a Committee to consider of the Supply granted to Her Majesty.

A Message from the Legislative Council, by *John Fennings Taylor*, Esquire, one of the Masters in Chancery: —

Mr. Speaker,

The Legislative Council acquaint this House, that His Excellency the Governor General has appointed To-morrow at Twelve o'clock, noon, to be attended with the Joint Addresses of both Houses to Her Most Gracious Majesty, and His Excellency the Governor General, on the subject of a Claim for Income Tax under Imperial Securities held by Residents in *Canada*; and that the Honorable the Speaker and the Honorable Mr. *Ross* will be in attendance at that time on the part of the Legislative Council.

And then he withdrew.¹¹

(355)

Ordered, That the Honorable Mr. Attorney General *Macdonald* and the Honorable Mr. *Cayley* do attend His Excellency the Governor General, on the part of this House, To-morrow, at Twelve o'clock, noon, with the Joint Addresses of both Houses on the subject of a Claim for Income Tax under Imperial Securities held by Residents in *Canada*.

The Order of the day for the House in Committee to consider of certain Resolutions on the subject of certain amendments to the Tariff of Customs, being read;

MR. BROWN would like to know from the hon. Inspector General, if he intended offering an explanation relative to the proposed increase in the Customs' Tariff.¹²

MR. INSP. GEN. CAYLEY replied, that he intended doing so, when he had moved the House into committee of the whole on the subject of the Tariff of Customs. He then moved the House into committee.¹³

MR. HOLTON desired the attention of the hon. Inspector General for one moment. He thought that hon. gentleman ought hardly to press his resolution to-day. It appeared to him, that there were very grave objections to which he would not then further advert, as to the inexpediency of going into committee on the Tariff, before they had been put in possession of the financial condition ... [or] the prospects of the country. It would be hardly fair towards the mercantile community of the country¹⁴ to make that alteration in the tariff before they had an opportunity of considering the subject and expressing their views.¹⁵ At the earliest possible moment he had procured a copy of the resolution respecting the Tariff, which he had forwarded by telegraph to Montreal. That resolution was at once taken up and considered by the Board of Trade, and instructions were mailed for his guidance in the matter. These instructions could not arrive before a day or two. Under these circumstances, he hoped the Inspector General would not press his motion.¹⁶

MR. INSP. GEN. CAYLEY replied that he could not expect to satisfy gentlemen opposite. To-day they blame the administration for not going on, to-morrow they blame them for not holding back. The administration could adopt no course which gentlemen opposite would not blame, and had at length arrived at that point where¹⁷ concession ceased to conciliate, being but the prelude to increased demand.¹⁸ He had in every way consulted the wishes of gentlemen opposite, even when his own friends were opposed to his yielding so much to their wishes¹⁹; but he would but feel it his duty to oppose them in this instance.²⁰ He had been told during the last three weeks that he had not been prepared to deal with this question of the Grand Trunk Company, but he had come to the determination to prove that the Government is in a position to deal with it and will not be diverted from their course.²¹ He would therefore persist in his motion.²²

(355)

The Honorable Mr. *Cayley* moved, seconded by Mr. Solicitor General *Smith*, and the Question being proposed, That Mr. Speaker do now leave the Chair;

MR. BROWN rose to move an amendment. The Inspector General asks for this increase in the tariff on the ground that he will have to provide during the next twelve months £240,000, which he expects the Grand Trunk Company will be in default for interest on Provincial Debentures lent them in aid of the road; and the only proof he adduces that the Province will be called on to advance this money is the letter of the Vice-President of the company. And yet the honourable gentleman, before any steps have been taken to ascertain the real position of the company — before it is known whether the directors in England admit themselves bankrupt and call upon us to pay their liability — asks this house to increase the customs duties twenty-five per cent.! He asks us to change the whole tariff of the country, on the mere proposition of a Vice-President of a railway company, without any inquiry, or any further information being laid before the house.²³ Was the Inspector General to come forward and ask for an increase of tariff without even informing them as to whether that increase was to be permanent or merely temporary? Could it be possible that the Government were to permanently tax the people an additional £250,000 or £300,000 a year? He might be told that such was not the intention of the Government. But he would like to know if that House would submit to such a fluctuating tariff — one day increasing and the following day decreasing; thus keeping the country in a perpetual state of doubt

and excitement? He felt assured the House would not for one moment consent to such a proposition. Would that House consent for one moment to take the mere fiat of the Inspector General, on a matter like this; and allow that hon. gentleman to say, practically, "I have made up my mind that this money will be wanted, therefore it must be paid." But, he would put it to the House, even supposing that money were really required of them — that the Grand Trunk were in default of that amount of interest, and that that House was bound to make good the deficiency — was that House in a position to say that there were no other means of meeting the demand on our Exchequer, except by an increase in our tariff?²⁴ He [Mr. Cayley] determines for us what we have to pay — how it is to be paid — and all he asks of us is to give him the money and in the very way he lays down for us. He (Mr. Brown) protested against being led blindfold in this manner. Before considering the increase of the tariff, the house was entitled to know what amount of public funds was in the public chest on the 31st January last — what amount had been paid away since, and what were the expectations of receipts and expenditures for 1856. It was a most serious affair to grant a large increase of the Customs' duties in a country like this. High taxation kept away settlers, and increased the cost of producing articles for export. The grand aim in Canada should be to reduce the Customs' duties to the lowest possible point — as nearly as possible, to the point at which merchandize could come and go, without any Government fetter. That was the position which every true friend of Canada would desire to see her reach; but how fatal to such hopes was the present movement of the Government! On the simple statement of the Inspector-General, that this enormous increase of the tariff is necessary, they were to close their eyes to the consequences, and lay on the burden upon the people. When the late Inspector-General, Mr. Hincks, came down and demanded that the Customs' duties should be raised from 7½ to 10, and then from 10 to 12½ per cent., he recollected well the difficulty he had in getting his proposition acceded to. He had to prove the necessity of it point by point — figure by figure. But those days seemed to have passed away. Every day, the hold of the electors over public men, and the control of Parliament over the executive affairs of the country, seemed to be relaxing. No greater disrespect could be offered to the house, than for a gentleman who owed his seat on the Treasury Benches to the will of the house, to come down and ask them, on his mere word, to increase the tariff to such an extent, without anything to show that it was necessary — without any previous decision of the house upon the service for which it was said to be required — and before the annual estimates were brought down, from which they might see if there was any other way of meeting the emergency. (Hear, hear.) Could there be anything more absurd, than for the Inspector-General to tell the house — "Vote this money first, and *then* I will show you how I mean to spend it?" Did the hon. gentleman think the house would surrender its right to consider whether they were necessitated to pay this interest out of the public chest — and, if so, whether there was no other way of having it met?²⁵ If hon. gentlemen in that House were true to their own interests, as well as the interests of the country at large, they would not consent to proceed to this question until they were enabled to see clearly not only what the Grand Trunk Company actually required, but also until a full statement of the Provincial Exchequer had been laid before them — until they had considered whether by strict economy and retrenchment in their finances they could provide for this enormous demand in a better and more equitable manner.²⁶ He (Mr. Brown) knew nothing of the state of the Grand Trunk Company, but there were those who did know something of it, who said there was no necessity for the Province paying this interest; that the Company was not bankrupt; and that the Barings and Glynns, and other wealthy London brokers, who held stock in it, were bound to meet the coming interest, and would not be found defaulters. Was the Province to relieve them from that responsibility, without their asking it? Were they, on the mere letter of Mr. Holmes, — without any correspondence with the London Board, — without any inquiry by a committee — to take the whole burden off this company and place it on the shoulders of the Canadian people. The proposition was utterly preposterous; and they would not be doing justice to Canada if they undertook a burden not at all necessary for them to assume. So soon as the Inspector General showed clearly to the house that it was necessary for the Province to meet the interest on those debentures, he had no doubt that they would cheerfully vote every shilling that was required. But he was not prepared to vote for so great an addition to the public

burdens, merely because the Inspector General brought down a letter, saying that the interest on those debentures must be paid. Let hon. gentlemen recollect that they assumed a grave responsibility if they sanctioned this demand; for there was nothing which the people resented more earnestly or more promptly, than any ill-advised increase of their burdens. Mr. Brown concluded by moving in amendment —

“That the house do not go into Committee of the Whole on the subject of the Tariff, but that the consideration of the whole subject be postponed till the estimates for the present year have been submitted to Parliament, and especially until it has been ascertained what demands on the public chest are to be made in consequence of the default of the Grand Trunk Company, or the apprehension of it on which this demand for an increase of the Tariff is founded by the Government.”²⁷

The Clerk of the Legislative Council here entered and announced that His Excellency would to-day [sic] receive the joint Address of both Houses to Her Majesty, on the subject of the claims for Income Tax on Canadian securities.²⁸

The debate was [then] resumed²⁹.

MR. ROBINSON ... said that in his opinion they would only be too happy to set aside this duty if they could really believe that no necessity existed for its imposition. But surely no hon. gentleman would be bold enough to assert that the Government would come down to that House and ask for such a large sum of money, if they really did not stand in need of it. From the information already before the House, there could not be the slightest doubt, but that this interest, which was due in January last, and would be again due in July, had remained unpaid.³⁰ The hon. member for Lambton had foretold that great evils would result from the adoption of the Grand Trunk Bill, and he thought the hon. member was rather disappointed that it had not had the crushing effect he had anticipated.³¹

MR. BROWN. — It has been crushing enough, if it is to add 25 per cent. to the tariff.³²

MR. ROBINSON proceeded to say that it would not satisfy the holders of their securities in England, if the house joined the hon. member for Lambton in saying — “We will not increase the tariff, but will try what economy and retrenchment can do.” That would be a pretty story indeed,³³ to tell their creditors in England! In advocating such a course he felt certain that the hon. member for Lambton was seeking to damage the present government much more than to extricate the country from its present embarrassment. Again, in reference to the statement that the hon. Inspector General was seeking to force this measure on the country against the will of the people, he would say that the very reverse of this statement was the fact. All that the hon. the Inspector General proposed to do, was to lay the subject before the House, and it was for that House to endorse or reject the proposition.³⁴

MR. INSP. GEN. CAYLEY said, I can hardly say that I am surprised, nor will I say that I regret that the hon. member for Lambton has taken the course he had done upon this occasion. I am satisfied — I have arrived at a settled conviction that the hon. member’s hostility to the Government is so great that he desires to ruin, to annihilate it if he could. I am convinced that he is so absorbed with that desire that he will stop at no sacrifice of public interests to carry ... [out] his purpose, nor will he stop at any sacrifice of public character. (Hear, hear.) Now, sir, that is my settled conviction. I believe the hon. gentleman would rejoice to find the country in an embarrassed state, for the purpose of showing that he has been a true prophet. I have no doubt that he is desirous we should postpone these arrangements and come to no resolutions until the House is past, when we come to a resolution that could be effectively carried out. Last night the hon. gentleman on the occasion of a remark from the hon. member for Gray, made a statement I won’t say ungenerous, for I expect nothing generous from him, but I will say most unfounded in facts. He stated that I had brought the country to the verge of ruin in 1849,³⁵ —

MR. BROWN. — It is true.³⁶

[MR. INSP. GEN. CAYLEY continued:] ... and that if I remained here in my present office I would bring the country to the same state again. The language quoted³⁷ last night by the Hon. Postmaster General,³⁸ from a speech of Mr. Hincks, though I must say far too flattering, had yet one point to which I must look back with satisfaction. He was no colleague of mine. He had been in opposition to me all my life, and had no idea of my competency to fill the office I now hold from coming into contact with me in the Government. But he succeeded me in office, and when all the hot feeling and ill blood excited at the time of our political contest had passed away, and at a moment when he was leaving this country, and when he could have no object, no inducement whatever to say anything in my favor, he took the opportunity to make these remarks before the largest meeting which ever assembled in honor of a public man in this country. But if I mistake not,³⁹ those remarks by Mr. Hincks ... were followed by another observation to which those remarks gave great point, and that was, that he could not express the same confidence in certain gentlemen whom he did not name, if they should be connected with the management of the financial affairs of the Province.⁴⁰ It may be the object of hon. gentlemen opposite to bring about a change for the purpose of introducing hon. gentlemen opposite into these seats. I repeat that I was extremely gratified at the unsolicited, most kind, and respectful remarks. I was not present on the occasion, and I do not know what induced him to do so; but these remarks were made, and I am happy to believe they have not fallen without their influence, without their effect to counteract the malign influence of the hon. member for Lambton. That hon. gentleman says I had brought the country to the verge of ruin. What had I done? I brought forward no measure to meet the debt of the country, and therefore the chest was reduced to a low ebb. (Hear, hear.) I trusted to our ordinary means of revenue to meet our expenditure, and was desirous to add no new burden to our debt. But the very moment I left office what was the course taken by the hon. gentleman who succeeded me? He came down to this House and asked for a very large increase of the duties, and the permission of the House gave him that increase and these duties filled his chest, and gave life to his Government and produced that state of things called prosperity, when contrasted with my economy which was called ruin. I wish⁴¹ now to walk in the footsteps of the hon. gentleman who had been held up as a model for all financiers⁴². I wish to be before hand upon this occasion, and not to wait until the notary is knocking at our door, to prepare to raise our ways and means. But we are told that we must wait until our liability is proved — wait for the protest to be sent in, wait until our debentures are protested in England before we prepared them. We are told to produce evidence of our liability. What more evidence do we require than the word? Can we say to these gentlemen we make no provision for your claim, because we are looking for certain gentlemen in your midst, who can pay you, and whom we expect to pay you. These gentlemen would very reasonably say, we look to you to pay your bounty, and you may look if you can to the parties who are in default to *you* but not to *us*. The Grand Trunk Company may fail in their engagement, but they don't fail to the parties at home, they fail to us; and if we do not meet these engagements we fail to the parties at home who hold our securities. I admit that it may be a question in which way we should meet this liability. I will be prepared in committee to show them what way is at all events, in my belief, the best way to make that provision. For we are bound to take the notice given to us in the most formal manner, and as a sufficient warning we must provide for our own engagements; and when we go into committee, I should be happy to show the grounds upon which I base my calculations to ascertain whether so much is required, and in fact to debate the question in order to arrive at the facts desired.⁴³

MR. YOUNG said, I do not deny the perfect sincerity with which the hon. Inspector General brings forward his motion upon the tariff. I believe he has brought to this subject his best abilities, and he brings it before the House, believing it to be the best policy which can be secured. But situated as parties are on this side of the House, it is almost impossible to form any opinion without some documents before us, to form at least a correct opinion as to what advance in the tariff is necessarily required. Now, sir, I have taken the trouble to go over the whole of the advances which the Inspector General expects to get by the resolutions he has proposed with a view to an advance in the tariff. I have gone over every article again and again, and affixed the price of increase as the basis of the Customs of 1855,

and I find the whole advance upon the tariff will not amount to more than £205,000. The hon. gentleman can correct me if that amount differs much from his calculations. I make the whole difference which this addition to the tariff will effect, only £205,000. The Inspector General expects to have only £900,000 from the Customs for this year, but taking into consideration the small importation of last year, and considering that we are now entered upon a year of peace instead of war, I have no hesitation in saying, that there will be a larger increase in the duties this year, if no increase whatever is made to the tariff. Such I believe will be the increase in importation that more than £205,000 will be made upon the present rate of duty; and until I see some further reason for altering that opi[ni]on, I must maintain it. The hon. gentleman does not propose to come down with any estimate for the construction of any new public works — had he come with such estimate for the construction of public works, which I believe are required by this country, the case might have been different. But under the impression that no such estimate is to be submitted, I cannot see without further evidence is placed before us, that any such increase is needed in the tariff. I shall take an opportunity of making a few further remarks when the House goes into committee.⁴⁴

MR. MERRITT regretted that the Inspector General intended to follow the footsteps of his predecessor the Hon. Mr. Hincks, because a greater disaster could never fall on this country than by following in the footsteps of that hon. gentleman. What was the state of the country? Would it be believed that from 1853 to 1855 this country has accumulated a debt of £5,000,000, for now that the Grand Trunk has failed, this Province will have to pay. God forbid that such a policy should be carried out in future in this country as had been at the first. He had never censured the Inspector General for the deficiency of the Revenue of 1848. He had no feeling against him whatever, nor against any member of the Cabinet. But he deplored the policy which placed this country up to 1848 in the position it then was. What was that position? Our expenditure exceeded our revenue — and an increase in the Customs duties followed; which has had a very prejudicial effect.⁴⁵ The first session after the union they doubled the duties, and departed from the only policy that they could maintain under the present form of government. An endeavour was then made to confine the expenditure of the 2½ per cent. additional duties to the object for which it was intended, the improvement of the St. Lawrence Canals. Had this been done they would never have been in this unfortunate position, overwhelmed with a debt which they never could pay. In 1845 they again doubled the duties, and in 1847 they did the same, thus having raised the duties 300 per cent.⁴⁶ from 1841 up to 1848..., while our population had not increased 50 per cent, and our debt had accumulated from one million and a quarter to £4,000,000. What was the policy of 1849? The hon. Inspector General was then censured at every opportunity by his predecessor, both in public and private. He was blamed for bringing the country into that state of depression, which has been alluded to, and no body said a word in extenuation of the hon. gentleman. He (Mr. Merritt) had always, however, deemed that it was the effect of the mismanagement of the Government of that day. It was the fault of the system — and that system never can be continued with safety to this country. In 1849 a financial policy was adopted and was secured by all the safeguards that Acts of Parliament can impose. An additional duty was imposed to raise an additional £250,000 to meet the liabilities of the preceeding [sic] Government, because the exigencies of that Government had to be redeemed by issuing bills of credit. When that additional duty was put on, Government pledged themselves as fairly as law could bind them, to apply all the surplus revenues to pay off the debt of the province, but it was never done. And every succeeding Administration neglected to carry that law into effect. That Government did more, they applied the whole of the public lands to the creation of a school fund; but the lands have been squandered and no fund has been created. It requires more than an Act of Parliament to establish any policy. In the journals of 1851, you will find an order in Council, pledging the Government to pay off the then present debt of the country, before incurring any new debt. This was a policy already understood, and had it been carried out, he would take upon himself to say that this would have been the most flourishing part of the continent of North America.⁴⁷

MR. J. SMITH. — It is so now.⁴⁸

MR. MERRITT. — He would admit that since 1852, there had been no country more flourishing than this, but that was attributable to the five millions of capital that had been expended, and the high prices of produce; but what are our present prospects?⁴⁹

MR. J. SMITH. — Good.⁵⁰

[MR. MERRITT:] But the debt had increased ... to £12,000,000, and we have got £5,000,000 of that to pay off in two years, and yet hon. gentlemen say that our prospects are good. He had never known a period in the history of Canada which he looked forward to a greater prospect of commercial depression than at present. The Inspector General has come forward with his Tariff, but he (Mr. Merritt) could not for the life of him, see upon what principle [sic] that Tariff is based (hear, hear.) He would admit they must raise their taxes to pay these liabilities, and he was satisfied every hon. member would take it into his most anxious consideration, and gladly unite on some system to raise the money. But he would maintain, that they should adopt some financial policy for the future. They should adopt some principle by which the revenues raised from the Public Works shall be applied to the expenditure created by Public Works, and for nothing else. They should abolish every local grant whatever, from one end of the country to the other. It was well known, that Montreal and Quebec got nine-tenths of what goes to Lower Canada, while the cities of Toronto and Hamilton get the greater portion of what goes to Upper Canada. These grants are not made in proportion to the taxes, but generally, they are made for places that ought to bear all their own local expenses.⁵¹ He dissented from the doctrine of the Inspector General, that they should make the tolls on the canals as low as possible, for they should be as high as possible, as they were to be paid by foreign vessels. They should adopt the same plan that they had in the State of New York. He thought they ought to take the rates off the raw material, (hear, hear,) as that would draw the trade to Quebec and cause an increase of the importation of heavy articles from England. He contended that in this country they had neither free trade nor protection,⁵² and entertained that now, although even too late — that they should have equal Reciprocity with the United States. Whatever duty they impose upon the products of Canada, let Canada impose the same duty upon similar products of the United States. He trusted that when this subject came up, the Receiver General will give it some consideration, in order to ascertain what was demanded to meet the wants of the country.⁵³ He was in favour of free trade to its fullest extent, but considered that Sir Robert Peel's application of it to this country had been most injurious. He would not oppose going into committee, but he had resolutions to lay before them when in committee.⁵⁴

MR. GAMBLE could not vote for the amendment, because he thought that the Inspector-General had pursued a proper course in endeavouring to grapple with the difficulties presented in the outset, and he was prepared to support the hon. gentleman in his proposition to increase our import duties, and that means should be raised, as the hon. gentleman proposed, to pay the interest on these debentures. It was just twenty years ago when he had listened to the same kind of speech from the hon. member for Lincoln [Mr. Merritt], as that of to-night; but things now remained, as then, unaltered, in our having a better system of duties. But he (Mr. Gamble) was exceedingly amused with the practical definition⁵⁵ of free trade given by the hon. member for Lincoln. The hon. gentleman boasted of being a free trader; he (Mr. Gamble) called himself a Protectionist, and yet⁵⁶ [this] gentleman ... [proposed] to carry out this free trade system in precisely the same manner which he (Mr. G.) did — and that was, with a view to the encouragement of the industry of the country — (hear, hear)⁵⁷. The free trade of the hon. member, was simply a lighter protective duty upon our manufactures.... This had always been his (Mr. Gamble's) policy, but he had always called it protection.⁵⁸ But the hon. gentleman was an advocate for adopting the American tariff. Well,⁵⁹ in the United States they had increased the duty on manufactures from 20 to 100 percent., and he considered that country, with such a tariff, a perfect Paradise of protection. He

considered there was a great deal of free trade in a remark made by the hon. member; he did not know whether the remark was original with that gentleman, or had been taken from some of the books he had read. It was, that if we planted a tree, and desired it to flourish it was necessary to fence it round. This was his [Mr. Gamble's] principle.⁶⁰ He ... went in for protective duties, which, he thought, would produce a degree of prosperity in this country hitherto unknown. Although he could not vote for the amendment, he would have preferred to get some intimation from the Government as to the course they are going to pursue with the Grand Trunk Railroad. He did not think they were responsible for the events which had occurred with regard to that great undertaking, or for any difficulties which had arisen from the manner in which the credit arising from the Consolidated Loan Fund had been distributed.⁶¹ They were not in office at the time these Acts were passed; some of them had strenuously opposed their passage. The hon. Attorney General West had opposed with all his might the Grand Trunk scheme,⁶² (hear, hear,) and denounced it then to be, as he (Mr. G.) now looked upon it to be, "a gigantic swindle." Those, indeed, were the very terms which that hon. gentleman then applied to it, but he could not now be held responsible for a policy carried out by a former Government, neither could the Inspector General, or Post Master General.⁶³

MR. HOLTON. — Where was the Premier?⁶⁴

MR. GAMBLE knew that the hon. and gallant knight had advocated the mode of carrying out that scheme, and thought that the time had come when that railroad should be constructed and that hon. gentleman supported Mr. Hincks through the whole of his policy upon that. (Hear, hear.)⁶⁵ But he (Mr. Gamble) remembered that even the member for Montreal in connection with certain other parties, had at the outset opposed this scheme, and continued to oppose it, until by some unaccountable means they became reconciled, and had ever since remained its friends. The present government was only responsible for the proper distribution of the £900,000 voted last year, and he did not doubt, when the facts were before the House, it would be found that they had property also in the distribution of that money. Although they were not responsible⁶⁶ for the threatened deficiency in the revenues arising from the Northern Railroad⁶⁷ [and] for the financial embarrassments induced by the acts of their predecessors, they had now to grapple with them, and he hoped they would soon come down and lay their policy fully before the House. He believed the matter could be dealt with in such a way as to advance the interests of the Province.⁶⁸ But he denied that the shareholders of this Grand Trunk Company had any legal or moral claim upon the Government of this country, (hear, hear,) for the bonds of the company⁶⁹, or that a legal claim could be made out for funds from the Province to further assist the undertaking in any way. In one point of view he rejoiced at the present position of affairs. It is calculated to affect an entire alteration in the Railway policy of the country.⁷⁰ As to our Tariff, he regretted that it was ever meddled with at all, and if the hon. Inspector General had acted upon the advice which he (Mr. G.) gave him during last session, the hon. gentleman would have been chary to have meddled with it. One of the last things that he (Mr. G.) would have done would have been to have reduced that Tariff.⁷¹ The change, however, had been made, a contingency had now arisen, and now an increase had to be made to meet that contingency. He objected to some of the details of the proposed tariff, and expressed the hope that whatever change was made,⁷² that the Inspector General would take care ... while he obtained the required revenues,⁷³ to protect the manufacturing interests of the country.⁷⁴

MR. DEWITT was of opinion that a few days delay was necessary, in order that the House might have time to ascertain the amount the public exigenc[i]es required, and also, that the duties to be levied, may be so apportioned⁷⁵ as most particularly to favour our own manufactures, commerce and agriculture, and the water power of the country should by all means be energetically encouraged. Attention should be mainly directed to improve the condition of the working people of Canada; its canals should be used in preference to those of the States, and our ships and seamen employed, in lieu of foreign vessels or people.⁷⁶ In approaching this subject, I would say, that I would not propose any thing which

could be considered of a different character. I desire no measure that will favor any one portion of the people of this province more than another. I wish to consider the whole people of Canada as one family. I would not propose any measure that would afford any advantage to the city where I have resided more than fifty years, and now reside — Montreal — which would not be for the general benefit of all. Montreal wants no favors, not common to the people. They desire that the necessary revenue for the support of the honor and interest of our country should be so apportioned as to afford incidental favor to such articles as we could produce, or manufacture with advantage in the country. To prove this to have been my view, I wish to do as I would be done by, and refer to my vote, when the question of differential duties was under consideration. When the Legislature was sitting at Montreal, I voted to repeal them; I was told the measure would prove injurious to Montreal and the St. Lawrence route. I replied that I was aware of that, but that I thought that if I was in New York, I should not like to be obliged to go home by way of Toronto; and by the same rule, I did not think that a citizen of Toronto when in New York, would like to be obliged to go home by way of Montreal, and that being desirous that all the people of Canada should exercise their free choice, I gave my vote accordingly.⁷⁷ As to the bonds of the company in question let the credit of the Province be kept up, and the honour of the country thereby. The debt should be promptly met.⁷⁸ Last year, when at Quebec, I was very desirous that our debentures, then about to fall due in London to the amount of £500,000, should have been paid in full, instead of being renewed for £350,00[0], and only £150,000 were paid. Sir, I thought that as our country was engaged in a bloody struggle, it was a favorable time to show them that we were both able and willing to pay our debts and maintain our integrity and honor. I always think that the best time to pay my debts is when my creditors want their pay most. I had the honor to present to this House a petition signed by more than four thousand of the citizens of Montreal⁷⁹, which prayed for the reduction of the Tariff in respect of tea, coffee, molasses and sugar, and ... [I] now advocate that principle most strongly.⁸⁰ I believe that all the people in Upper and Lower Canada can choose the route which they consider most to their advantage, whether by the St. Lawrence or any other by the United States, they are all equally open to all, whether the duties are specific or ad valorem. Sir, I believe, as a general thing, it will be advantageous to place the producer and the consumer as near to each other as circumstances will permit. I prefer to encourage our own children, rather than foreigners and strangers. I consider that as a large portion of our people are engaged in agriculture, I think that they should claim our first care, and that it is very important they should have a good market for the fruits of their labor.⁸¹ He concluded by saying, that he would vote for the Amendment.⁸²

MR. HOLTON understood that the Inspector General was going to give to-day those explanations to which he had alluded last night; and he thought it was of much importance that those explanations would be given at once, as it was said that statements had been made in the Legislative Council by the gentleman who had lately seceded from the Administration totally at variance with those given here last night by the Attorney General East.⁸³

MR. INSP. GEN. CAYLEY stated that as soon as the House went into Committee the explanations would be made.⁸⁴

MR. HOLTON believed it was unusual to give such explanations in committee. But of course this is an extraordinary Government. It is not governed by the ordinary practice. It sets new precedents every day. The course it has now taken is quite in accordance with its usual course. He moved that the Speaker do leave the chair.⁸⁵

MR. SICOTTE the SPEAKER said that there was another motion before the chair which must first be disposed of.⁸⁶

MR. GALT urged the ministry to give the required explanations. He was desirous of knowing whether the statement made by the late Speaker of the Council was in accordance with the opinion of

the Government or not. He had been told by a gentleman who was present in the Council Chamber this afternoon, that the late Speaker had said that his explanation had received the assent of the Attorney General East and the senior member of the Council. Under these circumstances he thought it but due to the Attorney General East that he should put himself right as he now appears to be in the wrong.⁸⁷

MR. SICOTTE the SPEAKER leaving the chair⁸⁸, the house then rose at 6 o'clock.⁸⁹

After the recess,⁹⁰

MR. GALT in reference to the conduct of the Inspector General, said that that gentleman did not follow a course which was pursued on his (Mr. Galt's) side of the House. He condemned the practice of making personal remarks during the debate, because honorable gentlemen differ on political questions.⁹¹ The proposition of the Inspector General that they should go into committee, with the view of adding 25 per cent. on the average to the Customs duties, without the house having before them estimates of the expenditure for the present year, without having a knowledge of the financial requirements of the country, was a proposition that should be received with a very great degree of caution by the house. He asked whether a sufficient case had been put before the house to warrant their adopting such an increase of taxation as was contemplated by the Government. He could understand how the letter of the Vice-President of the Grand Trunk Company might be a justification of the Inspector General for including in his estimates for the year a sum sufficient to meet the interest which had been referred to, but he could not admit that the Inspector General without examination, and without a knowledge of what the necessities of the company might be, should ask the house to impose an increase of 25 per cent. on the taxation of the country.⁹² Besides, it was a very extraordinary thing that, without taking into consideration the effect that various circumstances would have over the Grand Trunk line, the present conclusion should have been arrived at. Time should be taken to consider the matter, and how it would work.⁹³ To accept the conclusion in a moment, after a mere interval of 24 hours, that the company was absolutely bankrupt and had made no provision for the interest on those bonds for an indefinite period, was, to say the least of it, very hasty. There was a *prima facie* case for making provision for that interest in the estimates for the year, but there was no *prima facie* case for making a permanent increase to the taxation of the country. At an early period of the session, the Inspector General declared that it was not his intention to make any considerable change in the tariff, and on the faith of that, large commercial speculations had been entered into. It required, therefore, a case of the most urgent necessity to be shown, before they assented to a course which was a breach of faith and might prove highly injurious to many belonging to the mercantile community. But he affirmed that no such necessity existed, for all that the Inspector General required, and that only for one year, so far as had been shown, was £200,000, while there was now an amount actually at his credit in the Consolidated Fund of no less than £1,300,000. (Hear, hear.)⁹⁴ It is [therefore] inconceivable that the Inspector General should come down and propose an increase in the tariff. In conclusion, he would cordially support the motion of the honorable member for Lambton, with certain provisions.⁹⁵

Mr. Brown's amendment was then put⁹⁶.

(355)

Mr. Brown moved in amendment to the Question, seconded by the Honorable John Sandfield Macdonald, That all the words after "That" to the end of the Question be left out, and the words "the consideration of any amendments to the Tariff of Customs be postponed until the Estimates for the year have been submitted to Parliament, and especially until it has been ascertained what demands on the Public Chest are to be made by default of the Grand Trunk Railway Company, on the apprehension of which this demand for an increase of the Tariff is proposed by the Government" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bourassa, Brown, Bureau, Christie, Conger, Cooke, Charles Daoust, Darche, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Foley, Frazer, Galt, Gould, Hartman, Holton, Huot, Jobin, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Mattice, Papin, Patrick, Prévost, Sanborn, Scatcherd, Valois, and Young.* — (32.)

NAYS.

Messieurs *Bell, Biggar, Bowes, Brodeur, Cartier, Casault, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Cook, Crawford, Cryslar, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Egan, Evanturel, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Lumsden, Lyon, Attorney General Macdonald, McCann, Masson, Matheson, Meagher, Merritt, Mongenais, Joseph C. Morrison, Angus Morrison, Murney, Polette, Poulin, Price, Rhodes, Robinson, Roblin, Solicitor General Ross, Shaw, Solicitor General Smith, James Smith, Somerville, Southwick, Spence, Stevenson, Supple, Taché, Terrill, Thibaudeau, and Yeilding.* — (67.)

So it passed in the Negative.

MR. MERRITT then read the following resolutions, which he intended to move as instructions to the Committee: —

“1. That the removal of all duties on the productions of the British possessions in America on precisely the same terms as between the different States composing the American Union, would materially increase their intercourse and promote their prosperity.

“2. That the mutual interests of the United States and Canada would be promoted by extending the principles of reciprocity, now confined to the productions of agriculture, to manufactures, the shipping interest, and the coasting trade.

“3. That in order to place the manufactures in Canada, which have always remained in a state of great depression, on an equal footing with the manufactures in the United States, which are in a most flourishing [sic] condition, arising in a great measure from the inequalities of the duties on the respective boundaries of the two countries, it is the opinion of this Committee that the same rates of duty should be imposed on articles manufactured in the United States, when consumed in Canada, as are imposed by their Government on the like articles manufactured in Canada when consumed in the United States, and that all duties be removed on the raw material for manufacturing purposes.”⁹⁷

It had been said that he was a free trader and protectionist: but he would say that he was in favor of giving a free trade to this country. His only object was to increase and benefit the trade of Canada.⁹⁸

MR. AT. GEN. J.A. MACDONALD said the resolutions now submitted by the hon. member ... were very important in themselves and worthy of the serious consideration of the House; but ... the motion of the hon. Inspector General was that the House go into committee for a specific purpose, and it would not be fair that those resolutions should be discussed at the present time. He would request that hon. gentleman to withdraw his resolutions, therefore, for the present, and bring them up on a separate motion for discussion on an early night.⁹⁹

MR. MERRITT was aware of the difficulty of taking up the subject at the present time.¹⁰⁰ After some further remarks on the purport of his resolutions, [he] said that he would not object to withdraw them, on the understanding that they should be fixed for an early day.¹⁰¹

MR. HOLTON thought it rather a novel doctrine to come from the Attorney General, that you should not discuss the Commercial [policy] of the country at the time you are discussing the Tariff.¹⁰² It was the proper time to discuss the whole commercial policy, as it was now properly before them. They had to devise means of raising a certain amount of money by taxation, in such a manner as should be most in accordance with the good of the country.¹⁰³ He was not prepared to say that he would support all the amendments of the hon. member for Lincoln, but he was prepared to send them to the consideration of this House; and he trusted that the House would not consent to the proposition that

the hon. gentleman should withdraw his amendments. The whole commercial policy of the country was before the House, on the motion of the Inspector General, and he hoped ... the hon. member for Lambton [sic] would allow ... [his amendments] to go to the committee for their consideration.¹⁰⁴

MR. GAMBLE differed very much from the hon. Attorney General. This was, in his estimation, the proper time to take up the resolutions of the hon. member for Lincoln, notwithstanding what had fallen from the Attorney General West.¹⁰⁵ (Hear, hear.) They were now to take into consideration the whole commercial policy of the country; if they did not do that now, when would they do it?¹⁰⁶

MR. SOL. GEN. H. SMITH advised the hon. member for Lincoln to withdraw his resolutions, as they went more to increase the effect of the Reciprocity Treaty than to touch the imposition of duties¹⁰⁷, while the motion of the Inspector General was for [sic] that purpose.¹⁰⁸ The hon. member had better set down his resolutions on the notices of motions for next Monday, when discussion could be had upon them separately.¹⁰⁹

MR. MERRITT fully concurred with what had fallen from the hon. members for Montreal and Toronto, and he had no objection to accede to the request of the Solicitor General. He would move that his resolutions be set down first upon the Order of the Day for Monday next.¹¹⁰

MR. SICOTTE the SPEAKER put the motion ... [which was] carried.¹¹¹

MR. GALT said, as the question was that the Speaker do now leave the chair, he considered it the proper time to bring before the House the question of the principle upon which the taxation of this country, so far as regards customs duties, should be based. The Inspector General, in addressing the House a few nights ago, on the introduction of this subject, said, he was in favor of these duties being mixed — fully specific and partly *ad valorem*. He [Mr. Galt] was prepared to take a different course, and would move that it be an instruction to the committee to adjust the tariff upon the principle of *ad valorem* duty. No one will dispute that in the question of taxation, the great principle to be borne in mind, is that that taxation should press as equally as possible upon all classes of the community. He did not propose to refer to the question of direct taxation at this time, although it is held by many eminent political economists, that direct taxation is the fairest and most correct principle. No doubt it is the fairest; but the great difficulty arises in raising the whole of the taxation of a country upon the principle of direct taxation. It is evident that a large amount of the revenue of this country must be raised from customs revenues, and it is manifestly the duty of this House to see that the pressure of that taxation should be made as equal as possible¹¹² upon all consumers¹¹³. Customs duties are raised in three different ways; by specific duty, by *ad valorem*, and by a tariff, combining both these principles. The Tariff of the Inspector General is a mixture of both, and unless he is prepared to show that he can carry out the principles of specific duties upon all goods, he must admit that his Tariff is open to the evils incident to both these principles.¹¹⁴ The bulk of our import duties were now raised upon the *ad valorem* system, and it was not proposed by the Inspector General to change it, as no doubt he felt it to be impracticable.¹¹⁵ He (Mr. Galt,) by the motion he proposed to move in committee, wished to apply that principle to all the imports of this country. He could not see that there would be any difficulty in arriving at the value of the articles — such as sugar and tea, upon which a specific duty is fixed, as upon any other article which enters into the consumption of this country. There are only two or three qualities of sugar, and these the Inspector General proposes to make a difference upon, so that it is perfectly clear that there could be no more difficulty in arriving at the market value in the one case than in the other. There could be no difficulty in arriving at the revenue to be raised from these by *ad valorem* duty.¹¹⁶ But by the proposal of the hon. gentleman, instead of any penalty being paid by Upper Canada, a very serious one was imposed on Lower Canada, and the hon. gentleman had admitted that the theory of *ad valorem* duties was more correct in principle than that of specific. If that was so, was it not clear to the House, that the objections made to *ad valorem* duties were only exceptional, but the principle

of specific duty was a general injustice. Nobody would contend that a system of taxation would be sound, which makes no distinction between the value of an article consumed by the rich, or the poor man¹¹⁷. His opinion was therefore, that the House should proceed upon a principle correct in itself, rather than upon an erroneous principle. The hon. Inspector General in support of his opinions quoted the views of Mr. Gladstone, whose opinions were, no doubt, entitled to great weight, and also the opinions of a committee of the House of Commons in 1852. He was willing to admit that the opinions of Mr. Gladstone and these other gentlemen were high authority, but he was not willing to admit that that is the only authority upon this subject. He could quote the opinions of one equally eminent in the United States. In opposition to those high authorities, he would quote the view of Mr. Walker, of the United States, a gentleman who has certainly carried out the greatest reforms in customs duties in the United States. The opinion of a gentleman of his ability was entitled to as much weight as those quoted by the Inspector General. And it must be borne in mind that the influence of a class in England has always been predominant, and in the distribution of the taxation in England, that principle has not yet lost its power. Mr. Gladstone is a representative of that class. He is a liberal man undoubtedly, but by no means free from adopting principles in England that would impose burdens on the poorer classes and leave them off the rest. Mr. Walker was the representative of the great democratic party of the United States, and he has carried out a policy by his financial skill upon which the present tariff is based, which has gained him the good will of all classes of the people of the States, and which has been fraught with the greatest benefit to his country. His opinions are, therefore, entitled to more weight with this House than those of Mr. Gladstone. In dealing with this question, it might be instructive to consider what are the principles of these Governments, which have reached the highest point of civilization.¹¹⁸ He (Mr. Galt) would lay before the House the systems of tariff adopted in various countries, and it would find that where ad valorem duties existed, the country enjoyed full liberty as its standard, and that those which adopted the specific form were lowest in civilization, and in their efforts to promote the general good of all the people. (Hear, hear.) Russia, with which the Inspector General was most familiar, he having resided there, and having doubtless formed a predilection in favor of her financial system, (hear, hear,) had a tariff partly specific and partly ad valorem, very much the same as was proposed now by the Inspector General, and goods were there charged by weight. Spain, likewise, had both duties — goods by weight. The Zollverein, duties all by weight, no matter whether the article was a cambric handkerchief or cotton sheeting, (hear, hear.) Austria, was all specific, Portugal had both, and Sweden and Denmark were almost entirely specific. United States entirely ad valorem. Great Britain both, but the great part ad valorem. Belgium both. The Free Cities of Hamburg and Bremen entirely ad valorem. Holland both; France both. Now it would not be questioned, that those countries which had distinguished themselves in the arts and sciences, and developed the liberties of the world, had adopted that system of ad valorem duties; and which tended to promote intercourse with other countries, and build their commerce, and place an equal and fair amount of taxation upon the community generally. He put it to the house whether this is a time or a place to enter into speculation on that subject. The house should resolve on adopting a principle which commends itself to every commercial people on the face of the earth.¹¹⁹ It was more natural that in this case Canada should follow the example of the United States, because under the principle of *ad valorem* duties their foreign trade would be developed.¹²⁰ Now, with regard to the objection raised by the Inspector General, that the *ad valorem* principle, if carried out, would be an obstacle to the progress of Upper Canada, he proposed to take the case of a merchant in Toronto under the adoption of the system of *ad valorem* duties; then the only effect would be to leave him the choice of route by which he would make his importations. There is no difference between the routes then which he adopts — whether it be by the St. Lawrence or by way of New York. The cost to the consumer cannot be enhanced in any case by the adoption of this principle. It would merely give the importer the right of choosing the route; and he believed that the people of Upper Canada would rather carry on their trade with their own people, with their own vessels, through their own canals, and with their own capital, rather than see that trade pass into the hands of foreigners. He believed that they do not want to see this country merge into a mere appendage to the Union on the other side of the lakes,

but that¹²¹ there was enough patriotism in the people to desire to see their own country growing up to assume a national position, and enjoy all the advantages and share in the responsibilities which attach to such a policy. He was sure they desire to have their ideas stretching beyond the shores of Lake Ontario or Lake Erie, and would be equally glad to be in connexion with all foreign countries. He held that the statement that the adoption of *ad valorem* duties would press heavier upon this section of the Province than the other was groundless. He would not support such a proposition if that were its tendency, because he would contend that there should be no such word heard in this House as that of legislation for the interest of one section of the country as opposed to the other section.¹²² He believed that in a question of taxation there should be no difference between Upper and Lower Canada; that the two sections of the Province should not be supposed to have interests opposed to each other, and that if they are to grow into a state of national existence, they should not quarrel in the cradle, but should unite cordially upon those principles which are likely to tend to the mutual advantage of both.¹²³ If U. Canada contend that in Lower Canada there is a want of enterprise, a want of energy, and that they have to bear a much larger share of the public burdens — they must bear in mind that they have heavy responsibilities regarding Lower Canada, and that in the view of these they are bound to do what they can to aid in developing the resources of that country. He would contend that the interests of the whole country should engage the attention of the Legislature in deciding upon such an important question as the tariff. When the question comes before them as it does now¹²⁴ of increasing the revenue by imposing a higher rate of customs duties, he thought all must see the importance of adopting a correct principle at starting¹²⁵. This was essential for the proper working of the system. The principle advocated by the Inspector General of raising the Customs partly by specific and partly by *ad valorem* duties, must create great confusion, and is calculated to benefit one section of the country at the expense of the other.¹²⁶ He would not say which it would benefit — one year it might benefit one section, and the next year, it might benefit the other; but it would wholly destroy the principle of equality of taxation. He would therefore move that when the Speaker do leave the chair, it be an instruction to the committee that the tariff be adjusted on the principle of *ad valorem* duties.¹²⁷

MR. INSP. GEN. CAYLEY said, that after the assertion of the member for Sherbrooke, that this is not the time for speculation, he had taken rather a strange mode of carrying it out by moving this amendment proposing a change of the present system, purely on speculative principles.¹²⁸ If this was no time for speculation, better leave things as they are.¹²⁹ The member for Sherbrooke had said that the higher you ascend in the scale of civilization so do you find more general the adoption of the *ad valorem* principle, and he fell back for an instance on Great Britain¹³⁰. But even adopting this as a standard, he would fail because Great Britian [sic], which was certainly not the lowest in the scale of civilization, out of a customs returns of £5,000,000, collected only £145,000 upon the *ad valorem* principle. The honorable Inspector General then quoted from the Boston *Weekly Messenger* to show that the principle so much lauded by the honorable member for Sherbrooke was not entirely approved of in America, and was considered unjust when applied to articles which fluctuated much in price.¹³¹ He (hon. Mr. Cayley) did not propose to bind himself to the principle of specific or *ad valorem* duties; he preferred a happy mixture of both, as each might be found most applicable; and thought the golden medium had been attained.¹³² He hoped the House would be prepared so to consider it. The honorable gentleman considered direct taxation correct in principle, but yet he would not advocate it.¹³³

MR. GALT. — I said I would not at present enter upon the discussion of that principle.¹³⁴

MR. INSP. GEN. CAYLEY was going on to say that although the *ad valorem* principle was good in theory, he would not advocate it. He did not think it right to advocate it in every instance in this country. He was not prepared, however, to discuss this question before going into committee, because it would be just travelling over the same ground again and again.¹³⁵ If, when the House goes into committee, the member for Sherbrooke can show that any change can be made advantageously, he would be

inclined to adopt it. He would therefore propose that the House should go into committee and discuss the subject item by item.¹³⁶

MR. YOUNG called the attention of the House to a point in the speech delivered by the Inspector General when laying his resolutions before the House, charging the members of the Opposition with want of foresight and want of judgment in advocating reductions in 1854 on the tariffs¹³⁷. He [Mr. Cayley] quoted the Journals of last session to show that we had urged the adoption of the *ad valorem* principle upon certain articles specified, at the time that he proposed a considerable reduction in the tariff upon other articles; and yet with all the reductions he then proposed, had the principle of *ad valorem* duties been adopted upon brandy and wines, and¹³⁸ on sugar, molasses, and spices, there would not have been so great a deficiency in the revenue¹³⁹ — taking the basis of the importations of the past year. Had the reduction he [Mr. Cayley] proposed taken place, it would have amounted to £118,000, while by the principle of *ad valorem* upon these articles named, it would have been considerably increased, so that not more than £31,000 would have been lost to the revenue, while they had reduced their tariff to the extent of £118,000. This, he contended showed there was no want of foresight in the statement he [Mr. Young] then made in regard to the propriety of adopting the *ad valorem* principle; that on the contrary, it proved that there was both sound judgment and foresight. The honorable gentleman here went into a statistical examination of the question in support of the motion of his honorable friend the member for Sherbrooke.¹⁴⁰ The Inspector General had referred to the trade of Montreal. He (Mr. Young) had figures to shew that while the trade of the whole Province, its imports and exports, had increased from £5,240,000 in 1844 to £15,000,000 in 1854, the trade of Montreal and Quebec in the same period had gone back from £6,110,045 to £5,700,000. He heartily concurred with the Inspector General that the legislation of this country should not be guided by sectional principles, but should give equal justice to all. The merchants of Montreal did not desire anything else. They did not ask any favours whatever. But what they had constantly represented was that the system now being pursued was driving trade out of its natural channels into foreign channels. In desiring *ad valorem* duties, he did not ask any peculiar favours for Lower Canada. But he held that the principle which the Inspector General applied to the tariff was sectional against Lower Canada, driving trade into wrong channels. In regard to Public Works the Inspector General stated that he believed the amount of the expenses this year somewhat exceeded the revenue. But the fact was that they more than a little exceeded the revenue. Last year the expenses of the Welland and St. Lawrence Canals were £138,000, and the total revenue £78,000, shewing a loss of £60,000 on those public works. And the same had been the case in previous years. Instead, therefore, of increasing the tariff, he considered the true course for a finance minister to pursue, was the development of those works, which in his opinion would make the canals, instead of being a loss to the country, pay a large revenue¹⁴¹, and also assist in making the whole railroad system of the Province prosperous.¹⁴²

MR. BOWES said he would vote against any resolution the tendency of which was to force the trade of the country into any particular channel.¹⁴³ The whole argument of the hon. gentleman who had preceded him had been, not in favour of *ad valorem* duties, but in favour of differential duties — in favour of the St. Lawrence route for the advantage of Montreal. It might appear to that hon. gentleman that the people of Upper Canada should bring their goods by way of the St. Lawrence and through Montreal. But notwithstanding the government had given £24,000 to hire steamers to come by the St. Lawrence, the people of Upper Canada would not submit to the Government of this country imposing a duty upon a particular route to Upper Canada. The honorable gentleman then went on to say, with regard to the deficiency in the revenue, his opinion was, that if the Inspector General had imposed a two-and-a-half *ad valorem* duty on the 12½ per cent., it would have been sufficient to cover the whole amount necessary to be raised this year; the increased importation would under these conditions have enabled them to raise the required sum. With regard to the trade of the St. Lawrence, he thought it

impossible to divert the trade entirely to that route. But when the Grand Trunk Railway was completed, the trade from Portland to Upper Canada would, beyond a doubt, come by that route.¹⁴⁴

MR. CAMERON had often heard the observation in this House and elsewhere, as to the great difficulty there was in getting the members of the legal profession to agree about anything. But he had never heard greater differences of opinion expressed than he had heard to-night by members of the mercantile profession,¹⁴⁵ who were supposed of course, to be most intimately acquainted with this subject,¹⁴⁶ in regard to the tariff and other matters before the House. This being the case, he was disposed to take the course laid down by those who were responsible for whatever the consequences might be, rather than to follow the lead of those gentlemen who had stated so many various views, but who could not by any possibility suffer although the finances got into a damaged state, in consequence of their views being adopted. In regard to the interest on the bonds of the Grand Trunk Company, he trusted that no reimbursement would be made, until it was clearly seen in what capacity Messrs. Baring had paid the January interest, whether as bankers of the Company or as agents for the Province. But it was the duty of the government to see that means were provided for sustaining the credit of the Province, and not to leave it to chance whether our Debentures should be returned dishonoured or not.¹⁴⁷

MR. GAMBLE believed that *ad valorem* duties might be best in theory, but in practice they could not be fully carried out. He agreed perfectly with the hon. member for Sherbrooke that the most just way in theory was by direct taxation, but those who had ever been familiar with raising assessment by direct taxation know that it cannot be carried into practice. He would venture to say that perhaps of all the taxes imposed on the public none are more unequal than those raised by direct taxation; for when they came to personal property they never could ascertain its real value. All the countries alluded to by the member for Sherbrooke were in favor of a mixed system of specific and *ad valorem* duties. That of the Zollverein, the most successful of all, was on that principle.¹⁴⁸ He thought that the Inspector General had shown his wisdom in the scheme now before the House; and would give him his support.¹⁴⁹ On the whole he was in favour of specific duties, and he agreed with the Inspector General in his mode of levying the taxes. The system of Mr. Walker, which had been set off as a counterpoise to that of Mr. Gladstone, had been very much applauded in England, and been given a great deal of credit for introducing *ad valorem* duties, but that was because it suited the policy of England, and not because it was advantageous to the people of the United States. With regard to the Canals he would of course prefer that our commerce should pass through our own waters, but he did not think that could be accomplished by legislation; it could only be done by the enterprise of the people themselves. The people of Montreal must be prepared to compete with those of New York and Boston in the purchase of the produce of Upper Canada, if they desired to obtain her business.¹⁵⁰

MR. DEWITT spoke at some length on the subject of specific and *ad valorem* duties.¹⁵¹ [He] read a telegraphic dispatch giving the result of a meeting of merchants in Montreal¹⁵².

MR. THIBAUDEAU said that although he voted against the motion, he was in favor of the principle of *ad valorem* duties.¹⁵³

MR. CHABOT spoke at some length (in French) of the difference between *ad valorem* and specific duties, each of which have under certain circumstances, their peculiar advantages.¹⁵⁴ [He] thought *ad valorem* duties good in theory, but bad in practice. He preferred a mixed tariff.¹⁵⁵ He contended that the course proposed by the government was necessary to meet the exigencies of the occasion and they would give all the information that could be required.¹⁵⁶

MR. MERRITT contended that *ad valorem* duties were not experiments, as had been stated. They had been established as far back as 1846; and no person dreams of destroying them.¹⁵⁷ It was a ridiculous idea to hold that you can put the *ad valorem* duty upon articles, as high as now was put upon them

by specific duties. He would vote for this measure because he believed that it would be the most just to the people who pay the taxes, and deal equality among them. He was surprised at the position that the hon. member for Toronto (Mr. Bowes) had taken, and also the hon. member for Montreal (Mr. Young) who drew a distinction between Upper and Lower Canada as to differential duties¹⁵⁸, [and] he was sorry to hear the present scheme spoken of as drawing a line between Upper and Lower Canada. He advocated the navigation of the St. Lawrence as a means to make Canada great.¹⁵⁹ Why was it that the trade of Europe was not drawn through the St. Lawrence river? It was certainly nearer to England by the St. Lawrence than by the United States. It was because Great Britain paid a bounty to the Cunard Line, which represented a capital of seven millions sterling, and by that they diverted the ocean freight from Canadian ports.¹⁶⁰ He felt confident that if a line of ocean steamers was established to run to Quebec and Montreal, that ere long, Montreal would absorbe [sic] not only the trade of Upper Canada; but of the whole Western world.¹⁶¹

MR. STEVENSON replied to the arguments of the hon. member[s] for Lincoln and Sherbrooke.¹⁶² [He] was astonished to hear his friend advocate the navigation of the St. Lawrence.¹⁶³ In looking over the import of duties in England, it was quite apparent that the taxes were levied there with the view of collecting the largest revenue from that class of the community which consumed the most luxuries; but the Income Tax levied there only touched the rich. One of the evils of the ad valorem system was, that if the article was a low priced one, then the duty was low, and upon a high priced article, high; and a premium was offered to parties who could succeed in entering an article at a lower price than the honest trader could do. That was the case in New York under the ad valorem system, where great trouble occurred in correcting false entries. Could the specific duty be carried out as to all articles, the experience of mankind would soon point to the necessity of following it. The hon. member for Sherbrooke, thought that civilization was entirely centered in the United States, by the conclusions he wished to draw. If that were so, the American people must have arrived at that c[i]vilization since a very short time, for it was not long since that they altered the system of putting the Tariff upon articles by the square yard, and that they had levied the specific duty. Frauds were now constantly taking place there under their present form, and the honest trader was injured by the fraudulent one, without the community receiving any benefit. He believed that the principle object of the hon. members opposite being in favour at this time of ad valorem duties was, that they thought it would benefit Montreal in her trade, but if he (Mr. Stevenson) believed that, he would feel differently; but he looked upon their arguments as fallacious. He did not wish to see any distinction made between Upper and Lower Canada in this matter but had not merchants from Western Canada enterprise enough to look after their own interests. He thought we might safely pursue the course followed in England, of levying an ad valorem duty upon such articles as cannot conveniently be specified, and a specific duty upon all others and that the system proposed by the Inspector General would not produce a higher Tariff than that proposed last session, and upon our Imports, now we should have as large a Tariff put as was intended by that hon. gentleman. But he (Mr. Stevenson) would certainly advocate the encouragement of manufactures in the country.¹⁶⁴

MR. MARCHILDON condemned the Railway policy of the Country.¹⁶⁵

MR. CHAPAI said. — It is well known that a large proportion of the people of Upper and Lower Canada are in favour of the adoption of Temperance principles, and yet that every measure introduced into the House had failed up to the present time. He, then, looked upon this as a favourable opportunity for aiding the cause of Temperance, by imposing high rates of duty upon brandy, gin, and other spirituous liquors. He also expressed himself in favour of so framing the tariff as to favour the poor, encourage industry, manufactures, and agriculture.¹⁶⁶

Mr. Galt's motion was then put¹⁶⁷.

(355)

And the Question being again proposed, That Mr. Speaker do now leave the Chair;

Mr. *Galt* moved in amendment to the Question, seconded by Mr. *Holton*, That all the words after "That" to the end of the Question be left out, and the words "it be an Instruction to the said Committee to re-adjust the Tariff on the principle of *ad valorem* Duties" inserted instead thereof;

(356)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Biggar, Bourassa, Brown, Bureau, Casault, Chapais, Christie, Conger, Cooke, Charles Daoust, Darche, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Foley, Frazer, Galt, Gould, Guévremont, Hartman, Holton, Huot, Laberge, Laporte, John S. Macdonald, Marchildon, Roderick McDonald, Mattice, Papin, Patrick, Prévost, Scatcherd, Turcotte, Valois, and Young.* — (36.)

NAYS.

Messieurs *Bell, Bowes, Brodeur, Cartier, Cauchon, Cayley, Chabot, Chisholm, Church, Clarke, Cook, Cryslar, Daly, Desaulniers, Dionne, Dostaler, Dufresne, Egan, Evanturel, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Labelle, Larwill, LeBoutillier, Lemieux, Lumsden, Attorney General Macdonald, McCann, Masson, Matheson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Murney, Polette, Poulin, Powell, Price, Rhodes, Robinson, Roblin, Solicitor General Ross, Shaw, Solicitor General Smith, Southwick, Spence, Stevenson, Supple, Taché, Thibaudeau, and Yeilding.* — (55.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That Mr. Speaker do now leave the Chair.

The House accordingly resolved itself into the said Committee;

MR. INSP. GEN. CAYLEY said, hon. gentlemen on the other side of the House were aware that I would not delay offering a few words of explanation upon the subject of the correspondence referred to yesterday; when we should go into committee upon these resolutions. I therefore take this opportunity of redeeming my pledge. It will be within the recollection of hon. gentlemen on both sides of the House, that Government yesterday showed great reluctance to enter at all upon the letter referring to the resignation of their late colleague, the hon. Speaker of the Legislative [sic] Council [Mr. Ross], because they had not the sanction of His Excellency to discuss the subject in its details.¹⁶⁸ But I may remark that just in proportion as they showed that reluctance they were pressed to give some explanation with reference to the points referred to in the letter of the late Speaker¹⁶⁹, [and] to give some expression of their opinion in reference to its accuracy or upon its merits. The remark I have to make is this, I shall lay the whole matter before the House, by explaining the way in which that letter was introduced. The hon. Speaker of the Council had on a previous day informed his colleagues that it was his intention upon a future occasion to explain to them the course he intended to take upon certain matters that were pressing upon his mind. We generally had the impression that he referred to withdrawing from the Government.¹⁷⁰ The next day he came to the Council chamber, and informed his colleagues that he had made up his mind to withdraw, and he handed to the Receiver General, as the senior member of the Council, in place of the Premier who was sick, a letter explaining his reasons for doing so. I said, read the letter, and he rose in his place and read the latter [sic] which has been read in this House. When he had completed reading it I said "Are you fixed, settled, in your determination to retire? Is it a debatable point?" And he said, "No, I am determined to withdraw."¹⁷¹ I then offered no further observation, and I have no recollection of any remark being offered by any of my colleagues upon the letter. He then got up, shook hands with us, and took his leave. I may say that but one feeling pervaded the Council. That at a moment like that, parting from a colleague with whom we had sat in Council for many months, there was no disposition to cavil¹⁷² at the grounds for resignation advanced in his letter¹⁷³. He had not consulted us upon the matter of resignation. There was no matter in dispute between us. He had made up his own mind — upon his own views — upon his own impressions, with which we had in fact

nothing to do. He had declared his intention to withdraw, and therefore no exception was taken to the language in which he had placed that resignation before His Excellency, and conveyed to him through their senior colleague.¹⁷⁴

MR. TURCOTTE. — I rise to a question of order. I think these explanations should be given in the House, and not in committee of the whole.¹⁷⁵ The committee of the House is a mere family party, and has nothing to do with them.¹⁷⁶

MR. INSP. GEN. CAYLEY. — I am quite content to let these explanations rest here, and am quite satisfied to stop. I have nothing more to offer. I have said we took no exception to the language of the letter.¹⁷⁷ I may state, that we do not, and I do not propose to renew the discussion. (Go on, go on.) I have no objection to offer a few words more, and mean to say this, that whethsr [sic] the late Speaker of the Council was right or wrong on the several points he took up, we in our opinion had nothing to do with it. He did not ask us whether we concurred in his views.¹⁷⁸ There were several points in ... [his letter] of which I and some others of my colleagues were not aware. I had no opinion to give. There were one or two points on which had I been asked I should have differed; but I was not asked for my opinion.¹⁷⁹ Our colleague was giving his reasons for withdrawing from the Government. There was no question of dispute between us. There was no analogy between this and a former occasion. When the hon. Malcolm Cameron retired from the Government, Mr. Hincks asked him to state the grounds of difference¹⁸⁰. Mr. Hincks had stated that a reason should be agreed on to go forth to the public, and that there should be an agreement on facts. In this case there was no dispute as to the facts. He [Mr. Ross] took his own view of the matter — a view that was not concurred in by his colleagues. They urged him to remain, but he had determined to withdraw from the government, and they felt from that moment they had no right to interfere. Those are the only explanations I have to offer on that point.¹⁸¹ I may say, that I have obtained His Excellency's permission to revert to another point which has been before this House, and to which I would ask your attention, that is in reference to the Grand Trunk Railway. (Hear, hear.)¹⁸²

MR. TURCOTTE. — I ask the Chairman to decide this point of order. We have rules by which we should go, and we have examples in England.¹⁸³ We enjoyed a Constitutional Government, and I think that this is the first time such an example has been set. I regret that such an example should have been set by the Government; such a thing would never have been permitted in England, as that a Ministerial ... [explanation] should have been allowed in committee. (Chair, chair.)¹⁸⁴

MR. MURNEY. — I move that the chairman do leave the chair.¹⁸⁵

MR. POLETTE [the Chairman]. — I believe that I have no right to decide this point of order. I shall leave it to be decided by the Speaker.¹⁸⁶

MR. INSP. GEN. CAYLEY. — I have done with the Ministerial explanation, and I am now going to lay before the Committee a matter connected with the matter before the Committee.¹⁸⁷

MR. BROWN rose — ¹⁸⁸

MR. SOL. GEN. H. SMITH said you cannot get up unless the point of order is settled.¹⁸⁹

MR. BROWN. — I can speak to a point of order.¹⁹⁰

MR. SOL. GEN. H. SMITH. — Mr. Cayley has the floor, and you cannot speak now.¹⁹¹

MR. POLETTE. — Keep order, if you please.¹⁹²

MR. BROWN. — These explanations have no reference whatever to the question before the committee. There are certain rules for the guidance of this House, and it is of the highest importance that we should be guided by them.¹⁹³

MR. MURNEY. — I rise to a point of order.¹⁹⁴

MR. SOL. GEN. H. SMITH. — State the point of order.¹⁹⁵

MR. BROWN. — The point of order is this, that any ministerial explanation submitted by the Executive of this House, ought to be given when the Speaker is in the chair and not when the House is in committee. I think we ought not to allow such a proceeding as this to pass. We should appeal to the Speaker¹⁹⁶ on the point of order which had been raised, as to whether it was allowable to make ministerial explanations in committee.¹⁹⁷

MR. SOL. GEN. H. SMITH. — That is not a point of order.¹⁹⁸

MR. BROWN. — The question is this — ¹⁹⁹

MR. MURNEY. — I move that you call the Speaker to the chair for the purpose of receiving this explanation.²⁰⁰

MR. POLETTE. — With the permission of the House I allow the matter to go on.²⁰¹

MR. HOLTON. — I move that the committee rise and report progress and ask leave to sit again²⁰², with a view to having the point of order decided.²⁰³

MR. AT. GEN. J.A. MACDONALD. — You can't do it; Mr. Cayley has the floor.²⁰⁴

MR. HOLTON. — I am making a motion, sir, and I won't yield the floor.²⁰⁵

MR. LARWILL. — I will take the floor, too. (Chair, chair.)²⁰⁶

MR. HOLTON. — I will not sit down.²⁰⁷

MR. LARWILL. — Order, order; keep order, Mr. Chairman.²⁰⁸

MR. HOLTON. — I demand that my motion shall be put, Mr. Chairman.²⁰⁹

MR. J.S. MACDONALD. — I wonder, Mr. Chairman, you don't see that it is your duty to put that motion. I am perfectly certain that Mr. Cayley had sat down as if no further remarks were to be offered. It is your duty to put the motion.²¹⁰

MR. INSP. GEN. CAYLEY. — I had not sat down.²¹¹

MR. MURNEY. — There never was such a thing heard of.²¹²

MR. INSP. GEN. CAYLEY. — I now resume my right to the floor.²¹³

MR. PAPIN expressed his surprise at the course pursued by hon. gentlemen opposite.²¹⁴

MR. HOLTON again pressed his motion that the Chairman rise and report progress.²¹⁵

MR. MURNEY. — The Inspector General is totally out of order.²¹⁶

MR. INSP. GEN. CAYLEY. — I sat down to allow the hon. member for Lambton to state his point of order. The hon. member for Lambton pressed his claims, which he did in no very forbearing tone. We are always ready to give every manner of forbearance to the opposition, knowing they are a minority; but it is very evident that the time may come when the forbearance of the majority cannot be expected. I was going on to say²¹⁷, in connection with the charges brought against ... [me] in the Grand Trunk matter,²¹⁸ that I had obtained the sanction of His Excellency to explain some points in connexion with those papers. As I have been charged with²¹⁹ voluntarily and designedly bringing embarrassment upon²²⁰ the Grand Trunk Company and the Contractors, by delaying to have the inspection of the road made by the skilled engineers under the Act passed last session, I was to show that so far from being the cause of any of the delay, that so far back as September last the Council had selected certain gentlemen to make that inspection; and the appointment was deferred in consequence of an express wish by the members of the Grand Trunk Company. That appointment was postponed upon the grounds they urged themselves, and if the delay has given rise to any inconvenience to the Grand Trunk Company they cannot cast that upon the Council,²²¹ who had gone so far forward in the work of inspection as to name the gentlemen who were to conduct it.²²²

MR. HOLTON. — Who solicited the inspection to be deferred?²²³

MR. INSP. GEN. CAYLEY. — It is sufficient to say the members of the Grand Trunk Company, but I have no hesitation in stating that it was at the solicitation of the President of the Grand Trunk.²²⁴

MR. GALT²²⁵ [OR] MR. HOLTON. — He was not in this country in September.²²⁶

MR. INSP. GEN. CAYLEY. — He was in this country shortly after the nomination of that gentleman in September, and when made aware of it, he requested us not to proceed with our arrangements in regard to those gentlemen, and I have his permission to state this.²²⁷

MR. GALT. — The President did not arrive in Canada until December.²²⁸

MR. INSP. GEN. CAYLEY thought it was a little earlier. The appointment to which he referred was discussed before the Government left Quebec. It was the duty of the Government, in strict accordance with the directions of this House to watch over the advance of the guarantee as the road progressed, and to take care that there should be an inspection of the road as they advanced towards its completion²²⁹ by parties who had not yet made any examination of it; and the delay in the appointment of these officers was made at the request of the President of the Grand Trunk Company. But while that appointment was delayed at the request of the President of the Grand Trunk,²³⁰ it was his (Mr. Cayley's) duty, as one of the Railway Commissioners, and not as a member of the Grand Trunk Road, to use all due precautions in the issue of the guarantee. He was desirous as far as possible to assist the Grand Trunk Company by advancing the guarantee, so far as he could be guided by the advice of the Assistant Commissioner of Public Works, Mr. Killaly, but in the absence of the report of those engineers, he was compelled to be more scrupulous than he could have wished to be, for they had not that to guide them by which alone the country would expect them to be guided, in advancing the guarantee.²³¹ The money was therefore issued on the Report of Mr. Killaly, because we had no other report to guide us.²³² But when they got the report they advanced the guarantee upon it from time to time, up to the latest period to which the report was brought down, the 1st of April.²³³ (Hear, hear.)²³⁴ But there was one feature of embarrassment supposed to arise from this delay, which he could not pass over. Mr. Cayley then read from an article in the *Leader* of the 16th April,²³⁵ charging him with bringing on the embarrassment of the company by mismanagement. He said he quoted from that article because there were many statements in it²³⁶ so accurate in fact that only one thoroughly conversant with the whole matter could have written it, either a member of the Grand Trunk, or one deriving his information from such.²³⁷ He would not say who wrote that article, but the proprietor of the *Leader* was one of the Directors of the

Company, and might have given information in reference to it.²³⁸ It was stated in this article that the embarrassing results of the neglect of Mr. Cayley could not be estimated, and that the reason why the company had been unable to pay their January dividends, was because they had not received the requisite amount from the guarantee. If then the January dividends had not been paid by the Company, but had been paid by the Provincial agents for the honour of the Province, then the amount remained in the hands of the Government unreleased, and available to enable the Company to keep their engagements. He thought therefore that the house need have no apprehension now with regard to the liability for the last January dividends, because if unpaid, and if that want of prompt payment arose out of this delay — not of his but because the appointment of skilled engineers was delayed at the solicitation of members of the Grand Trunk — then there were still the means left in that quarter to remedy the misfortune and to repay the advances made by the Provincial agents. So he thought that he might discharge from his own mind and remove from the apprehensions of his hon. friends around him, that they need have any anxiety in regard to the dividends of last January. But he could not shut his eyes to the fact that the notice they had received from the Vice-President of the Grand Trunk that they would have to provide for the dividends of the coming year, was a notice which they must receive as being of equal value and gravity with the protest of a notary when a bill is due and not paid — as being in fact a notice of non-acceptance.²³⁹

MR. YOUNG. — On what day was the January dividend due?²⁴⁰

MR. INSP. GEN. CAYLEY. — On the 1st.²⁴¹

MR. YOUNG. — Would it not have been the usual course of Messrs. Glynn & Barings to have written by the succeeding mail, that the money was not paid for the Province? Did they do so?²⁴²

MR. INSP. GEN. CAYLEY had already stated that the first information he had on the subject, was furnished by the letter of Mr. Holmes, or perhaps three or four days earlier, in conversation. The usual course where the Provincial agents met the engagements of the government, was, that they were called upon at once to refund and make good the advances. But he had the letter from Mr. Holmes forwarded just as he received it. But there was another charge brought against him — that he did not speak the truth when he said that Mr. Brassey's letter came upon him almost like a thunderbolt. He thought he could show to the House why he made use of that expression, and that he was justified in doing so. He did not believe that the English community of capitalists connected with the Grand Trunk, were for many weeks beforehand prepared for the communication made in Mr. Brassey's letters. So far as he had learned, these letters came out subsequent to, and he might say in consequence of, a large sale of stock to foreign holders, principally French holders, who on subsequently hearing rumours that the Company was not in as good circumstances as they had supposed it to be, had called upon the contractors to explain the position of the Company, and to relieve themselves from the imputation that they had kept a cloud over the Company's position at the time they were negotiating those shares, and in consequence of that call upon them, this communication was made to the shareholders in England by Mr. Brassey, being first of all issued in pamphlet form for circulation among the shareholders, and being at the same time transmitted to the late Speaker of the Legislative Council. And only within three or four days or a week before these letters appeared in the public papers here, did Mr. Ross put those letters into his hands, and he believed they were not seen by all the members of the Executive Council before they appeared in print. With regard to the knowledge they ought to have of the condition of the Company, he might make this remark, that the financial condition of the Company depends very much on the means which the contractors may have of disposing of their stock. Messrs. Peto, Brassey, and Betts, being large shareholders, as well as contractors²⁴³, and being called upon to receive payment for their work in shares of the Company, their ability to meet their engagements depends very much upon their means of floating these shares upon the market. It may have been within the knowledge of the hon.

member for Sherbrooke when he was in England, that they were unable to raise the means to meet their engagements²⁴⁴ and to carry on their transactions, but as they are not equally well known here, we are unaware whether they are able to fulfil their engagements, or whether it is necessary that their shares should be guaranteed by the government. It may be partly the fault of the original arrangement on which the Company was based, that £80,000²⁴⁵ [OR] £800,000²⁴⁶ of stock was reserved for the Canadian shareholders, which they might have known could not have been taken up here. He thought no one, conversant with Canada, would have advised such a step, at a moment when there was a demand above par for the stock in England. He, for one, was disposed to view the condition of the Company with very great feelings of regret that they should have been induced to advance so far in an undertaking, when the times were so much depressed.²⁴⁷ It was, therefore, for that reason that he was unwilling to suppose that this demand is made upon them hastily or unadvisedly, or without just cause. He did not think the vice president would come down to them with a lie in his mouth. He believed that when he wrote to them giving them formal notice that they must meet the dividend of July next, that he was unable to provide for it, and, therefore, he (Mr. Cayley) felt called upon to come down and ask this House to provide for it.²⁴⁸ He had been asked, why he brought forward a measure to meet this demand, before he brought down the estimates, and made a full explanation as to the ways and means? He replied, that he had no intention to propose to take any large portion of the ordinary revenues of this year to meet this demand. The ordinary revenues are applicable to the ordinary services of the year. This demand coming unexpectedly, arising out of the guarantee²⁴⁹, they were called upon to make special provision to meet it irrespective of their ordinary ways and means. He had been asked if there was not a large balance at their credit.²⁵⁰ It was true that they had as large a balance at the credit of the consolidated fund as they had had in many previous years, and which had been increasing ever since. This balance has risen in this way: every year this house has voted large sums for carrying on the public works in cash and also in debentures. It was the policy of Mr. Hincks as well as his (Mr. C.'s) own, so far as their surplus revenue would enable them, to meet the demand for their public works, not by increasing the debt of the country by the issue of new debentures, but in cash — holding the debentures for any emergency that might arise, thus saving the interest on the debentures, which they could make use of at any time when a pressure arose. There were also large balances of appropriations for these works, yet unclaimed, but which they might be called upon to pay at any time, and which they must have the means of doing either out of the surplus revenue or out of the debentures they had in hand, which, for this reason was not available for an emergency of this kind. That was the reason why they apparently had a large balance at the credit of the consolidated fund. This is not a cash balance. There was about £300,000 in cash, and £900,000 in available securities. He did not think it sound policy to sell these debentures now;²⁵¹ although it was an unpopular course to come down with a [pro]position to increase the tariff,²⁵² he was more disposed to saddle the country with the immediate charge of the payment of this interest. It was a safer course, and, as he thought, more calculated to restore the credit of the country. Having given these explanations, he did not now propose to go any further into the question of the tariff on this evening, as it was then past midnight. He would therefore move that the committee rise, report progress, and ask leave to sit again.²⁵³

MR. HOLTON considered this the most extraordinary course which had ever been witnessed.²⁵⁴ It was now clear why the Inspector-General had adopted the extraordinary course of entering into explanations in committee of the whole, instead of in the house, so that he might mix them up with all sorts of matters, not having any legitimate connection with them.²⁵⁵ But what had they witnessed? They had witnessed the Finance minister of this country coming down to the House to reply to the strictures made in one of the city papers, several days ago. Having no honest newspaper to defend his course, he is obliged to make use of his Parliamentary privilege to reply to these remarks.²⁵⁶ And why was that? — it was because they had sunk so low in the public estimation — (groans and cheers) — he is therefore obliged to spend his time in matters of this kind, because he has not the ability to grapple with great questions²⁵⁷, and he has not a defender out of doors to do so — not one solitary Press to do so. But this

is the position in which he stands before the country to-night. He did not wish to say any thing of the hon. gentleman's course in connexion with the Grand Trunk Company, of which he is one of the Directors. He (Mr. Holton) was desirous that the Inspector General should postpone his explanation because he had something to fear from his exposures. He would now put it to that hon. gentleman if there was anything in the remarks which had been made that he (Mr. Holton) had any concern. If so, why did he venture upon the assertion?²⁵⁸

DR. MASSON. — Adjourn.²⁵⁹

MR. HOLTON merely rose for the purpose of saying that when he desired the Chairman to leave the ... chair, it was for the purpose of taking the opinion of the Speaker upon the point of order which had been raised. It was not because he wished the Inspector General to postpone his explanation upon this subject. On the contrary, he would have demanded this explanation; but he did think it of the very highest importance, that the very unusual course adopted upon this occasion should have [been] settled with the Speaker in the Chair. He did not intend to go into the financial statements at this late hour,²⁶⁰ [in] reply ... to the speech of the Inspector General,²⁶¹ but they would receive some consideration at his hands when the question came before [sic] the committee.²⁶²

MR. GALT did not think the House could possibly misunderstand the allusions made by the Inspector General in the remarks just made. He did not think this House had ever witnessed a more unprovoked attack made upon an individual than the Inspector General, by insinuations [he] had made upon him (Mr. Galt). The Inspector General, if his remarks meant anything at all, wished to convey that he (Mr. Galt,) was responsible for the attacks made upon him. He had drawn attention to certain statements in the *Leader* which he read, and drew his (Mr. Galt's) attention to it in such a way as to say, that he (Mr. Galt) was the author, or at least the prompter of these remarks.²⁶³

MR. INSP. GEN. CAYLEY. — No, no. I intimated the fact, that Mr. Beaty, the proprietor of the paper was a member of the Grand Trunk Bond [sic], and that the information must have come from one who was either a member of the Board, or at least very well acquainted with [sic] its proceedings.²⁶⁴

MR. GALT. — The hon. gentleman has such a singular way of mixing up matters having reference to himself and to other people, that this House was left to infer, that the whole of these remarks had been levelled at him (Mr. Galt.) He was glad that the Inspector General did not charge him (Mr. Galt) with being either the author or the prompter of these articles. (Question, question.) Hon. gentlemen are very impatient for the question.²⁶⁵

MESSRS. POULIOT, CHAPAIS, and others. — Question, question. We are not to be kept here all night.²⁶⁶

[MR. GALT continued:] He wished to reply to the remarks of the Inspector General in regard to the Railway, and these articles which appeared in the *Leader*. He found, however, that he had been mistaken. With reference to the charges made against him on the floor of this House, that owing to the delay in appointing these skilled engineers great inconvenience had been experienced, and difficulties had been thrown in the way of the Company obtaining their releases under the Act, he would say that there was something very strange in the statements made. The Inspector General has stated here to-night that the Government appointed²⁶⁷ three gentlemen²⁶⁸ in September last; and in a very strange and mysterious way he has stated that that selection made in September was postponed by the President of the Company. That gentleman — the hon. Mr. Ross — was with him (Mr. Galt) on the continent of Europe at the time.²⁶⁹ The fact was that that gentleman did not sail for this country till the 22nd of November,²⁷⁰ and could not have arrived in Canada before the 10th of December. How could the Inspector General reconcile these two statements? If these engineers were appointed in September how

could their appointment be postponed by the President of the Company who was not in Canada until the 10th of December? What is the fact? Government were repeatedly urged to make these appointments.²⁷¹ On the 18th May the Act passed, and not till September did they take the necessary steps to appoint these engineers, and their report was only brought in during the last ten days. He had been informed that not till the end of December or beginning of January, did they receive any release at all. He would ask whether it was the intention of the house that enormous amounts should accumulate in the hands of the Inspector General, when it was well known how injurious the want of this money had been to the contractors.²⁷² Payments had been made in the face of this Act which required that a report should first be had from these engineers. He was, however, willing to admit that the Inspector General had so great a consideration for the interests of the Company that he went beyond what his duty required.²⁷³

MR. INSP. GEN. CAYLEY. — I did not say so.²⁷⁴

MR. LARWILL here rose to a point of order. He wanted to know what the Grand Trunk had to do with the business for which they were now in committee?²⁷⁵

[MR. GALT continued:] The Inspector General had referred to letters from Mr. Brassey, and he (Mr. Galt) wished to contradict the arguments he had made use of, and the inferences he had drawn from these letters²⁷⁶, as they were false in fact.²⁷⁷ He has stated that the contractors were so mixed up with the company, that any embarrassment of the one must affect the other, but the Inspector General²⁷⁸ must have known that the agreement in reference to the releases which were to be given to the Company was hard [sic] upon an act passed on the 18th of May last; and²⁷⁹ [he] must know, if he has not been grossly neglectful of his duties as a member of the Board of Directors of the Grand Trunk Company, of the agreement between the contractors and the company that was made in England last July; and what is the position of the company in consequence of their releases not having been given? They have been compelled to break their agreement with the contractors,²⁸⁰ and have put them in a position which but for the Inspector General, they would not have been in. But if the papers had been brought down, as they ought to have been, this House would have been in a position to deal with the facts of the case. But he would say that it was most unfair to make such statements without giving one single member of the House the slightest information to enable them to judge of the case to be brought before them. He, (Mr. Galt) might have other means of obtaining information upon this question, but other members of the House had not. So far from his [Mr. Cayley's] statements being calculated to induce the House to increase the tariff, they, on the contrary, ought to make them pause²⁸¹. Had he laid his estimates before them it might be found that there was no occasion to provide for the January interest, and the hon. gentleman was just as well aware of all the facts a week ago as he is at this moment. He admits that the usual course is to advise when the payments have been made; and it is perfectly certain that the last interest has been paid, and it is most improper to allow it to go to the country that the payments have not been made.²⁸²

MR. INSP. GEN. CAYLEY asked who was to blame for making the statement that the interest was not paid. Was it not Mr. Holmes, the Vice President of the road?²⁸³

MR. GALT was astonished that a gentleman who was a director of the Road, and who must have been present at the meeting, when Mr. Holmes was authorized to write that letter, should get up in his place here and say that he based his statements upon Mr. Holmes's letters.²⁸⁴ He must have been aware of what was in Mr. Holmes's letter before it was sent to him.²⁸⁵ The Inspector General must choose one hour [sic] of the dilemma — either he was negligent of his duties to this Province, or he was very negligent of his duty to that Company.²⁸⁶

MR. INSP. GEN. CAYLEY here stated that he was at the meeting referred to in the letter of Mr. Holmes²⁸⁷. Would the hon. member have thought it right in him to object to the Vice-President making the report he was called on to make? He told him that he was making a statement which he would have to put in writing, and which would then be made use of²⁸⁸ —

MR. HOLTON. — Of course it would.²⁸⁹

[MR. INSP. GEN. CAYLEY continued:] He had read it to the House, and when asked whether the January dividend was not paid, he referred then to Mr. Holmes's letter.²⁹⁰ He ... wished the house to understand the position the Directors of the Grand Trunk Company were in. They were only there to watch over the financial interests of the concern for the Province — (hear, hear,) — and not to interfere with the arrangements of the Company, where they do not interfere with the guarantee of claims which they had on the Province. (Hear, hear.) But they had been charged with marring the scheme and damaging the enterprise. As to the appointment of these engineers, the choice was made in September, immediately after he returned from England. He returned in that month, and in October the Government left Quebec, and did not reassemble here for business until the middle of November, so that the appointment remained in abeyance, and Mr. Ross not having arrived, and the Grand Trunk meeting not having taken place, Mr. Ross was not twenty four hours in the Council Room before he was made aware of the arrangement in question of the Company, and he begged they would pause²⁹¹ because he thought it would be prejudicial to the interests of the Company to call upon ... [the engineers] for their report at that time.²⁹² That was the position in which they stood. They were not called upon to appoint men who would be engineers to the Company, but men who were perfectly competent and skilled, and they were desirous to see such men appointed, but they were, at the instance [sic] of the Company, required to be more careful in the lease and grant, because the inference would have been brought forward, that they had raised a larger amount of money than would be justified by the country.²⁹³ As far as possible he had endeavored to work harmoniously with the Grand Trunk,²⁹⁴ therefore, while the appointment was so made, and was so delayed beyond the period of Mr. Ross's arrival, they had taken precaution to make the advance, with such advice as was received by Mr. Killaly, because it was not thought compulsory upon the Government to make the appointment of engineers,²⁹⁵ and in this he was justified by the Act, which was not specific that they shall be appointed.²⁹⁶ But there was a desire that they should put themselves under the shelter of the appointment to make themselves secure when they came back to this house: but there were rival interests here in the contracts of the Company²⁹⁷ [OR] but there are rival interests here — the arguments of hon. gentlemen on the other side are those of the Grand Trunk Company, and the contractors,²⁹⁸ in opposition to the interests of the Province, and so he (Mr. Cayley) regarded them, and so he should meet them. (Hear, hear.)²⁹⁹ He would, however, have more to say upon this subject at another time.³⁰⁰ He was not going to see this country drawn into this arrangement, and charged with a breach of faith, when he thought that they had acted with liberality, and yet he and they were charged with being niggardly and unjust, and trying to destroy the company. (Hear, hear.)³⁰¹ But he would like to know the position of these contractors, both the contractors on this side and the contractors on the other side of the Atlantic.³⁰² He was not going to be driven off this ground by any threats from the hon. member for Montreal. His language was not always guarded or choice, but he (Mr. Cayley) would be prepared to defend his position, and to hear all that that hon. member had to say, and he might act on the defensive, but he would find it difficult to escape him (Mr. Cayley).³⁰³

MR. J.S. MACDONALD said this was a pretty exhibition which the house had just witnessed of the difficulties which existed between the Government and the company. The Inspector General had been charged with the embarrassments which the company had complained of, as having resulted from his mismanagement. The hon. gentleman sought to deny the charge, and asserts that the Government have stretched a point, and behaved with great liberality to the company, and he (Mr. Macdonald) had

no doubt, according to the Inspector General's showing of to-night, that they had stretched a point which they were not justified in doing — that was, to have given a farthing of the £900,000 without there being such an appointment of skilful engineers as would satisfy the Government that the amount ought to have been advanced, and it was only to-night that the house had heard for the first time that the Government had advanced any part of the £900,000, without, as the house was assured last year, they should be cognizant of what was going on. But yet the house was told in the same breath that the Government went on and appointed engineers. Now the Province was going to pay for all this, and would be the sufferers in the end, and whether the Inspector General or the company were to blame it was certain that the house would be called upon to add more to the liabilities which this Province had already assumed in respect to this company; but he would like to hear the Commissioner for Public Works or the Inspector General explain who were those skilful engineers that were appointed — whether they were the same as those chosen six weeks ago? If they were not it would be well to know why they are not — why the appointment of Mr. Wallace of Buffalo, and another gentleman was cancelled, and why Mr. Benedict, a particular friend of the Government, should have been the gentleman from whom the first report was received by the Commissioner of Public Works. He hoped that the house would get the fullest information upon all those points when the Government came down with a scheme with respect to this company. But what did the Inspector General do the other night? He based his scheme of tariff upon the idea of the January Debentures not having been paid, and saying that we must prepare for the July interest.³⁰⁴

MR. INSP. GEN. CAYLEY contradicted this, and referred to the *Quebec Chronicle* in support.³⁰⁵

MR. J.S. MACDONALD went on to say, that that impression was left upon his side of the house, that the January interest was to be provided for by this house. It also came out with regard to the tariff, and the amount raised upon imports coming to this country, that if the Province was not liable for the January interest, we should have so much for other purposes, and they objected to the Inspector General coming down and asking for such increase of the tariff, as we had only the January interest to provide for.³⁰⁶

Many hon. members on the Treasury Benches, MR. POULIOT, DR. MASSON &c., and DR. CLARKE, cried out for adjournment³⁰⁷.

Amidst much confusion, ... MR. J.S. MACDONALD ... [contended] for his right to go on and reply to the Inspector General³⁰⁸.

MR. BROWN rose to speak, and was meet [sic] by cries of adjournment, from several Lower Canadian members. Several remarks were made, but not directly audible in the Gallery, in consequence of the noise.³⁰⁹

MR. AT. GEN. DRUMMOND rose and said the hon. gentleman must see that the House was anxious to adjourn.³¹⁰

DR. CLARKE said it was not the subject the members objected to, it was because of the lateness of the hour.³¹¹

MR. A. DORION said if they did not discuss the question now, they would not have an opportunity again for a fortnight. To-morrow was not a Government day, and it could not come up, and it was quite possible that it would not come up for two or three weeks.³¹²

MR. AT. GEN. DRUMMOND ... said — He did not wish to take the floor from the hon. gentleman³¹³. His intention was to move that the subject be put the first order of the day for to-morrow (no,

no.) He would put it to the House whether these gentlemen could ever be satisfied. They complain that they cannot be heard to-night. He proposed to put this as the first order of the day for to-morrow, that they might be heard, and yet they object to that too. If gentlemen are sincere, they would see that it was necessary that the business of this House should be carried through with all possible energy. It was the intention of Government to ask another day in the week for Government business, in order that it might be carried through.³¹⁴

MR. A. DORION. — If it was put the first order of the day they would not proceed with the resolutions on the tariff, but would continue their discussion (no, no.)³¹⁵

MR. FERRES wished to know if gentlemen opposite were determined to occupy the time of the House for weeks together, discussing the position of the Ministry. He believed it was their — (Chair, chair.)³¹⁶

MR. A. DORION. — It was all very well for hon. gentlemen on the other side to make such remarks, but when the Attorney General East the other day stated that he would be prepared to give some explanations of the changes which have taken place, and when the opportunity was afforded they find the Inspector General making that explanation — not before the House, but — before a committee, and mixing it up with a great many other affairs, and when hon. gentlemen on this side ask the Chairman to leave the chair that the explanation may be made in the House, they are met with a storm of opposition. It is all very well for hon. gentlemen to say they must go home, when the one side of the House has been heard, without giving the members on his side of the House an opportunity of replying. (Go on, go on.) Certainly the course which had been pursued was most extraordinary. Immediately after the Inspector General has made his statements then those members who have such entire confidence in the administration are prepared to put down every member of the opposition who rises to answer the insinuations of the Inspector General against members on this side of the House. What was the fact? When the question was put the other night whether the statements in the letter of the late President of the Council were correct, seeing that they had contradicted the statements of the Government, these hon. gentlemen were not prepared to say. The Attorney General East said that they had not agreed upon the facts — and to-night what was the explanation — was any gentleman able to say whether the Inspector General agrees with the late Speaker of the Council or not? Was it possible for any member to say whether they agree or disagree? Was it a fact that when the Duval case came before the Executive Council, the president of the Council proposed that the Government should resign, and that a dissolution should take place? Was that a fact? The Attorney Generals East and West, and the Postmaster General had been called upon to say whether this was a fact? Had they ever made the slightest reference to it? They were unable to say whether this was a fact or not. The whole of the remarks of the Ministry have been formally contradicted in the Upper House, and could they believe it was not the duty of the Government to have agreed upon some explanation before they came down to this House. The whole course was the most extraordinary he had ever witnessed.³¹⁷

After some further discussion, in which ... MR. MACKENZIE, MR. HOLTON, and MR. AT. GEN. J.A. MACDONALD took part, it was agreed that the committee rise, report progress and sit again on Thursday.³¹⁸

(356)

and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Polette* reported, That the Committee had made some progress, and directed him to move for leave to sit again.

MR. SICOTTE the SPEAKER having taken the chair, some discussion then arose as to the time at which this question should again be proceeded with³¹⁹.

MR. J.S. MACDONALD made some very sarcastic remarks on those *Frenchmen*, as he styled them who had interrupted the Opposition. He took this as a personal unkindness, after he had voted that the Seat of Government should go to Quebec. (Laughter.)³²⁰

An order was made that the house do go into committee again on Friday, the motion for that purpose standing as the first item on the order of the day.³²¹

(356)

Ordered, That the Committee have leave to sit again on Friday next.

The Honorable Mr. *Cartier*, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General, — Report of the Executive Committee for *Canada* at the *Paris* Exhibition.

For the said Report, see Appendix (No. 46.)

The Honorable Mr. *Cartier* also presented, pursuant to Addresses to His Excellency the Governor General, — Return to an Address from the Legislative Assembly of the 28th February last, for a List of all Claims made by Militiamen in *Lower Canada* for Land Scrip or Pensions, since 1st March, 1850.

For the said Return, see Appendix (No. 45.)

(357)

Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 9th instant, praying His Excellency to cause to be laid before the House, a List of the Names of the "skilled Engineers" appointed by the authority of the Act of last Session, cap. 174, sec. 4, intituled, "An Act granting additional Aid, by way of Loan, to the Grand Trunk Railway Company of *Canada*;" with a copy of the Instructions given to such Engineers, and the date of their appointment, with the Report of such Engineers, if there be any.

For the said Return, see Appendix (No. 13.)

On motion of MR. CHISHOLM,³²²

(357)

Ordered, That the last preceding Return be printed for the use of the Members of this House, and the Rule requiring a reference to the Standing Committee on Printing, suspended as regards the same.

Then, on motion of the Honorable Mr. Attorney General *Drummond*, seconded by the Honorable Mr. *Cartier*,

The House adjourned.³²³

Footnotes

1. *Globe*, 23 April 1856.

2. *Ibid.*

3. *Ibid.*

4. *Globe*, 23 April 1856. This newspaper differs from the *Journals* and reports that Dr. Frazer's motion was moved as an amendment to Mr. Crawford's motion for the third reading of the said bill.

5. *Globe*, 23 April 1856.

6. *Ibid.*

7. *Ibid.*

8. *Ibid.*

9. *Ibid.*

10. *Ibid.*

11. According to *Toronto Daily Leader*, 23 April 1856, this message was delivered to the House amidst the debate on the Tariff.
12. *Toronto Daily Leader*, 23 April 1856.
13. *Ibid.*
14. *Ibid.*
15. *Globe*, 23 April 1856.
16. *Toronto Daily Leader*, 23 April 1856.
17. *Globe*, 23 April 1856.
18. *Toronto Daily Leader*, 23 April 1856.
19. *Globe*, 23 April 1856.
20. *Toronto Daily Leader*, 23 April 1856.
21. *Globe*, 23 April 1856.
22. *Toronto Daily Leader*, 23 April 1856.
23. *Globe*, 23 April 1856.
24. *Toronto Daily Leader*, 23 April 1856.
25. *Globe*, 23 April 1856.
26. *Toronto Daily Leader*, 23 April 1856.
27. *Globe*, 23 April 1856.
28. *Toronto Daily Leader*, 23 April 1856. The *Journals*' reference to this Message can be found on page (354-355) 1523.
29. *Toronto Daily Leader*, 23 April 1856.
30. *Ibid.*
31. *Globe*, 23 April 1856.
32. *Ibid.*
33. *Ibid.*
34. *Toronto Daily Leader*, 23 April 1856.
35. *Ibid.*
36. *Ibid.*
37. *Ibid.*
38. *Globe*, 23 April 1856.
39. *Toronto Daily Leader*, 23 April 1856.
40. *Globe*, 23 April 1856.
41. *Toronto Daily Leader*, 23 April 1856.
42. *Globe*, 23 April 1856.
43. *Toronto Daily Leader*, 23 April 1856.
44. *Ibid.*
45. *Ibid.*
46. *Globe*, 23 April 1856.
47. *Toronto Daily Leader*, 23 April 1856.
48. *Ibid.*
49. *Globe*, 23 April 1856.
50. *Ibid.*
51. *Toronto Daily Leader*, 23 April 1856.
52. *Globe*, 23 April 1856.
53. *Toronto Daily Leader*, 23 April 1856.
54. *Globe*, 23 April 1856.
55. *Ibid.*
56. *Toronto Daily Leader*, 23 April 1856.
57. *Globe*, 23 April 1856.
58. *Toronto Daily Leader*, 23 April 1856.
59. *Globe*, 23 April 1856.
60. *Toronto Daily Leader*, 23 April 1856.
61. *Globe*, 23 April 1856.
62. *Toronto Daily Leader*, 23 April 1856.
63. *Globe*, 23 April 1856.
64. *Toronto Daily Leader*, 23 April 1856.
65. *Globe*, 23 April 1856.
66. *Toronto Daily Leader*, 23 April 1856.
67. *Globe*, 23 April 1856.

68. *Toronto Daily Leader*, 23 April 1856.
69. *Globe*, 23 April 1856.
70. *Toronto Daily Leader*, 23 April 1856.
71. *Globe*, 23 April 1856.
72. *Toronto Daily Leader*, 23 April 1856.
73. *Globe*, 23 April 1856.
74. *Toronto Daily Leader*, 23 April 1856.
75. *Toronto Daily Leader*, 23 April 1856. This speech was reconstructed following the order of statements reported in this newspaper, which varies from that of *Globe*, 23 April 1856, also used in this reconstruction.
76. *Globe*, 23 April 1856.
77. *Toronto Daily Leader*, 23 April 1856.
78. *Globe*, 23 April 1856.
79. *Toronto Daily Leader*, 23 April 1856.
80. *Globe*, 23 April 1856.
81. *Toronto Daily Leader*, 23 April 1856. *Globe*, 23 April 1856, reports that Mr. DeWitt "went in detail into the subject, but could not be heard distinctly by the Reporters."
82. *Globe*, 23 April 1856.
83. *Ibid.*
84. *Toronto Daily Leader*, 23 April 1856.
85. *Globe*, 23 April 1856.
86. *Ibid.*
87. *Ibid.*
88. *Toronto Daily Leader*, 23 April 1856.
89. *Globe*, 23 April 1856.
90. *Globe*, 24 April 1856.
91. *Toronto Daily Leader*, 23 April 1856.
92. *Globe*, 24 April 1856.
93. *Toronto Daily Leader*, 23 April 1856.
94. *Globe*, 24 April 1856.
95. *Toronto Daily Leader*, 23 April 1856.
96. *Globe*, 24 April 1856.
97. *Ibid.*
98. *Toronto Daily Leader*, 23 April 1856.
99. *Ibid.*
100. *Ibid.*
101. *Globe*, 24 April 1856.
102. *Toronto Daily Leader*, 23 April 1856.
103. *Globe*, 24 April 1856.
104. *Toronto Daily Leader*, 23 April 1856.
105. *Ibid.*
106. *Globe*, 24 April 1856.
107. *Ibid.*
108. *Toronto Daily Leader*, 23 April 1856.
109. *Globe*, 24 April 1856.
110. *Ibid.*
111. *Ibid.*
112. *Toronto Daily Leader*, 23 April 1856.
113. *Globe*, 24 April 1856.
114. *Toronto Daily Leader*, 23 April 1856.
115. *Globe*, 24 April 1856.
116. *Toronto Daily Leader*, 23 April 1856.
117. *Globe*, 24 April 1856.
118. *Toronto Daily Leader*, 23 April 1856.
119. *Globe*, 24 April 1856.
120. *Toronto Daily Leader*, 23 April 1856.
121. *Globe*, 24 April 1856.
122. *Toronto Daily Leader*, 23 April 1856.

123. *Globe*, 24 April 1856.
124. *Toronto Daily Leader*, 23 April 1856.
125. *Globe*, 24 April 1856.
126. *Toronto Daily Leader*, 23 April 1856.
127. *Globe*, 24 April 1856.
128. *Ibid.*
129. *Toronto Daily Leader*, 24 April 1856.
130. *Globe*, 24 April 1856.
131. *Toronto Daily Leader*, 24 April 1856.
132. *Globe*, 24 April 1856.
133. *Toronto Daily Leader*, 24 April 1856.
134. *Ibid.*
135. *Ibid.*
136. *Globe*, 24 April 1856.
137. *Ibid.*
138. *Toronto Daily Leader*, 24 April 1856.
139. *Globe*, 24 April 1856.
140. *Toronto Daily Leader*, 24 April 1856.
141. *Globe*, 24 April 1856.
142. *Toronto Daily Leader*, 24 April 1856.
143. *Globe*, 24 April 1856.
144. *Toronto Daily Leader*, 24 April 1856.
145. *Globe*, 24 April 1856.
146. *Toronto Daily Leader*, 24 April 1856.
147. *Globe*, 24 April 1856.
148. *Ibid.*
149. *Toronto Daily Leader*, 24 April 1856.
150. *Globe*, 24 April 1856.
151. *Toronto Daily Leader*, 24 April 1856.
152. *Globe*, 24 April 1856. This newspaper notes that Mr. DeWitt "spoke in such a low tone that his remarks were inaudible."
153. *Toronto Daily Leader*, 23 April 1856.
154. *Globe*, 24 April 1856.
155. *Toronto Daily Leader*, 23 April 1856.
156. *Globe*, 24 April 1856.
157. *Toronto Daily Leader*, 24 April 1856.
158. *Globe*, 24 April 1856.
159. *Toronto Daily Leader*, 24 April 1856.
160. *Globe*, 24 April 1856.
161. *Toronto Daily Leader*, 24 April 1856.
162. *Globe*, 24 April 1856.
163. *Toronto Daily Leader*, 24 April 1856.
164. *Globe*, 24 April 1856.
165. *Toronto Daily Leader*, 23 April 1856.
166. *Globe*, 24 April 1856.
167. *Toronto Daily Leader*, 23 April 1856.
168. *Toronto Daily Leader*, 24 April 1856.
169. *Globe*, 24 April 1856.
170. *Toronto Daily Leader*, 24 April 1856.
171. *Globe*, 24 April 1856.
172. *Toronto Daily Leader*, 24 April 1856.
173. *Globe*, 24 April 1856.
174. *Toronto Daily Leader*, 24 April 1856.
175. *Ibid.*
176. *Globe*, 24 April 1856.
177. *Ibid.*
178. *Toronto Daily Leader*, 24 April 1856.
179. *Globe*, 24 April 1856.

180. *Toronto Daily Leader*, 24 April 1856.
181. *Globe*, 24 April 1856.
182. *Toronto Daily Leader*, 24 April 1856.
183. *Globe*, 24 April 1856.
184. *Toronto Daily Leader*, 24 April 1856. *Globe*, 23 April 1856, in a short commentary, notes that after Mr. Turcotte objected to the course pursued by Mr. Cayley, "the house was the scene, for some time, of the wildest confusion".
185. *Globe*, 24 April 1856.
186. *Ibid.*
187. *Toronto Daily Leader*, 24 April 1856.
188. *Ibid.*
189. *Ibid.*
190. *Ibid.*
191. *Ibid.*
192. *Ibid.*
193. *Ibid.*
194. *Ibid.*
195. *Ibid.*
196. *Ibid.*
197. *Globe*, 24 April 1856.
198. *Toronto Daily Leader*, 24 April 1856.
199. *Ibid.*
200. *Ibid.*
201. *Ibid.*
202. *Ibid.*
203. *Globe*, 24 April 1856.
204. *Toronto Daily Leader*, 24 April 1856.
205. *Ibid.*
206. *Ibid.*
207. *Ibid.*
208. *Ibid.*
209. *Ibid.*
210. *Ibid.*
211. *Ibid.*
212. *Ibid.*
213. *Ibid.*
214. *Ibid.*
215. *Ibid.*
216. *Ibid.*
217. *Ibid.*
218. *Globe*, 24 April 1856.
219. *Toronto Daily Leader*, 24 April 1856.
220. *Globe*, 24 April 1856.
221. *Toronto Daily Leader*, 24 April 1856.
222. *Globe*, 24 April 1856.
223. *Ibid.*
224. *Ibid.*
225. *Toronto Daily Leader*, 24 April 1856.
226. *Globe*, 24 April 1856.
227. *Ibid.*
228. *Toronto Daily Leader*, 24 April 1856.
229. *Globe*, 24 April 1856.
230. *Toronto Daily Leader*, 24 April 1856.
231. *Globe*, 24 April 1856.
232. *Toronto Daily Leader*, 24 April 1856.
233. *Globe*, 24 April 1856.
234. *Toronto Daily Leader*, 24 April 1856.
235. *Globe*, 24 April 1856.

236. *Toronto Daily Leader*, 24 April 1856.
237. *Globe*, 24 April 1856.
238. *Toronto Daily Leader*, 24 April 1856.
239. *Globe*, 24 April 1856.
240. *Toronto Daily Leader*, 24 April 1856.
241. *Globe*, 24 April 1856.
242. *Ibid.*
243. *Ibid.*
244. *Toronto Daily Leader*, 24 April 1856.
245. *Globe*, 24 April 1856.
246. *Toronto Daily Leader*, 24 April 1856.
247. *Globe*, 24 April 1856.
248. *Toronto Daily Leader*, 24 April 1856.
249. *Globe*, 24 April 1856.
250. *Toronto Daily Leader*, 24 April 1856.
251. *Globe*, 24 April 1856.
252. *Toronto Daily Leader*, 24 April 1856.
253. *Globe*, 24 April 1856.
254. *Toronto Daily Leader*, 24 April 1856.
255. *Globe*, 24 April 1856.
256. *Toronto Daily Leader*, 24 April 1856.
257. *Globe*, 24 April 1856.
258. *Toronto Daily Leader*, 24 April 1856.
259. *Ibid.*
260. *Ibid.*
261. *Globe*, 24 April 1856.
262. *Toronto Daily Leader*, 24 April 1856.
263. *Ibid.*
264. *Ibid.*
265. *Ibid.*
266. *Ibid.*
267. *Ibid.*
268. *Globe*, 24 April 1856.
269. *Toronto Daily Leader*, 24 April 1856.
270. *Globe*, 24 April 1856.
271. *Toronto Daily Leader*, 24 April 1856.
272. *Globe*, 24 April 1856.
273. *Toronto Daily Leader*, 24 April 1856.
274. *Ibid.*
275. *Ibid.*
276. *Globe*, 24 April 1856.
277. *Toronto Daily Leader*, 24 April 1856.
278. *Globe*, 24 April 1856.
279. *Toronto Daily Leader*, 24 April 1856.
280. *Globe*, 24 April 1856.
281. *Toronto Daily Leader*, 24 April 1856.
282. *Globe*, 24 April 1856.
283. *Toronto Daily Leader*, 24 April 1856.
284. *Ibid.*
285. *Globe*, 24 April 1856.
286. *Toronto Daily Leader*, 24 April 1856.
287. *Ibid.*
288. *Globe*, 24 April 1856.
289. *Ibid.*
290. *Toronto Daily Leader*, 24 April 1856.
291. *Globe*, 24 April 1856.

292. *Toronto Daily Leader*, 24 April 1856.
293. *Globe*, 24 April 1856.
294. *Toronto Daily Leader*, 24 April 1856.
295. *Globe*, 24 April 1856.
296. *Toronto Daily Leader*, 24 April 1856.
297. *Globe*, 24 April 1856.
298. *Toronto Daily Leader*, 24 April 1856.
299. *Globe*, 24 April 1856.
300. *Toronto Daily Leader*, 24 April 1856.
301. *Globe*, 24 April 1856.
302. *Toronto Daily Leader*, 24 April 1856.
303. *Globe*, 24 April 1856.
304. *Ibid.*
305. *Ibid.*
306. *Ibid.*
307. *Globe*, 24 April 1856. This newspaper notes that it was then “near one o’clock.”
308. *Globe*, 24 April 1856.
309. *Toronto Daily Leader*, 24 April 1856.
310. *Ibid.*
311. *Ibid.*
312. *Ibid.*
313. *Globe*, 24 April 1856.
314. *Toronto Daily Leader*, 24 April 1856.
315. *Ibid.*
316. *Ibid.*
317. *Ibid.*
318. *Globe*, 24 April 1856.
319. *Toronto Daily Leader*, 24 April 1856.
320. *Ibid.*
321. *Globe*, 24 April 1856. Commentaries on this day’s debate are reported in *Toronto Daily Leader*, 24 April 1856, and *Western Planet*, 1 May 1856. Commentaries on Mr. Cayley’s tariff propositions are reported in *Globe*, 19 April 1856, *Morning Chronicle*, 19 April 1856, and *Montreal Gazette*, 21 April 1856.
322. *Globe*, 24 April 1856.
323. *Globe*, 23 April 1856, reports that the House adjourned “at a quarter past one.”

INDEX OF PROPER NAMES

INTRODUCTION

The following Index applies only to the names of men who were members of the Legislative Assembly in the Fifth Parliament, Second Session, for the period covered in this volume, that is 2 April 1856 to 22 April 1856 inclusive. It refers to every occasion a member proposed or seconded a motion or resolution, or brought up a petition; it refers to every speech he delivered during debates or to every other time he addressed the House; and also when he took the chair of the House in Committee of the Whole, or was appointed to sit on a Committee. Only individual votes are excluded because divisions rightfully belong with the legislation they pertain to, and all legislation is included in the subject Index.

The letter "f" after the page number indicates a member's speech or motion referred to in the footnote pages. The punctuation (?) following a page number indicates there is reason to doubt that the member made the speech or moved the motion. The reader is advised to refer to the appropriate footnote in the footnote pages for an explanation.

As explained in the Introduction to this Volume, the subject Index for the entire Volume will be contained in the final part.

PROPER NAMES

A

Aikins, James Cox, 1053, 1080, 1091, 1120, 1168, 1224, 1232, 1246, 1319, 1332, 1390, 1420, 1476, 1522.

Alleyn, Charles, 1122, 1123, 1178, 1246, 1270, 1273, 1312, 1313, 1325, 1335, 1455, 1476.

B

Bell, Robert, 1230.

Bellingham, Sydney.

Biggar, Herbert, 1224, 1359, 1443, 1448.

Blanchet, Jean.

Bourassa, François.

Bowes, John George, 1098, 1193, 1224, 1261, 1264, 1286, 1333, 1347-1348, 1348, 1359, 1390, 1413, 1416, 1432, 1437, 1455, 1537-1538.

Brodeur, Timothée, 1476.

Brown, George, 1053, 1057-1058, 1058, 1059-1060, 1060, 1063, 1064, 1065, 1066, 1070, 1070-1071, 1071, 1072, 1087, 1097, 1105, 1120, 1124, 1137, 1138, 1138-1139, 1139, 1139-1140, 1156, 1164-1165, 1165, 1168, 1179-1180, 1184, 1185, 1224, 1230, 1238, 1239, 1242, 1248, 1250, 1262, 1266, 1275, 1276, 1276-1277, 1277, 1277-1278, 1280, 1286, 1288, 1299, 1302, 1302-1303, 1303-1304, 1310, 1319, 1323, 1324, 1337, 1337-1338, 1339-1340, 1343-1344, 1344, 1350, 1360, 1362, 1365-1366, 1369, 1369-1370, 1375-1376, 1376, 1380, 1390, 1394, 1395, 1396, 1397, 1403, 1408, 1416, 1420, 1421, 1422, 1423, 1424, 1432, 1436, 1437, 1437-1438, 1439, 1443, 1444, 1448, 1451, 1456, 1457, 1459, 1459-1460, 1461, 1469, 1469(?), 1476, 1480, 1486-1488, 1509, 1510, 1519, 1524, 1524-1526, 1526, 1532, 1541, 1542, 1549.

Bureau, Jacques Olivier, 1065, 1208, 1332, 1366, 1519.

Burton, Francis H.

C

Cameron, John Hillyard, 1064, 1065, 1072, 1105, 1106, 1108, 1109, 1110, 1120, 1183-1184, 1193, 1194, 1226, 1227, 1228, 1229, 1231, 1244, 1245, 1247-1248, 1248, 1263, 1264, 1270, 1278-1279, 1299, 1318, 1321, 1322, 1322-1323, 1323, 1325, 1335-1337, 1337, 1340, 1340-1341, 1342, 1346-1347, 1371, 1382,

1392, 1393, 1395-1396, 1396, 1408, 1410, 1422, 1423, 1424, 1440-1441, 1441, 1449, 1450, 1454, 1476, 1478, 1485-1486, 1486, 1504-1505, 1538.

Cartier, Georges Etienne, 1111, 1123, 1125, 1129, 1131, 1133, 1135, 1138, 1139, 1142-1143, 1143-1144, 1144, 1145, 1148, 1148-1149, 1157, 1169, 1174-1175, 1185, 1205-1206, 1206, 1206-1207, 1209, 1216, 1216-1218, 1218, 1219, 1231, 1232, 1233, 1234, 1235, 1236, 1239, 1249, 1250(?), 1266, 1267, 1268, 1269, 1270, 1280, 1286, 1311, 1312, 1325, 1342, 1361, 1363, 1364, 1367-1368, 1369, 1371, 1373, 1375, 1382, 1383, 1384, 1385, 1398, 1399, 1410, 1443, 1459, 1461, 1462, 1464, 1469, 1470, 1471, 1479, 1551.

Casault, Louis Eldemar Napoléon, 1112, 1169, 1219, 1245, 1270, 1281, 1311, 1469, 1519, 1523.

Cauchon, Joseph Edouard, 1072, 1072-1073, 1185, 1208, 1209, 1224, 1229, 1251, 1253, 1325, 1381, 1401, 1411, 1421.

Cayley, William, 1053, 1084-1085, 1086, 1087-1088, 1088-1089, 1089, 1136, 1137, 1138, 1141, 1148, 1196-1198, 1201, 1204, 1228, 1235, 1236, 1237, 1241, 1248, 1249-1250, 1250(?), 1265, 1289, 1289-1291, 1291, 1292, 1292-1293, 1293, 1293-1297, 1298, 1298-1299, 1299, 1301, 1302, 1309-1310, 1310, 1311, 1319, 1326, 1424, 1440, 1455, 1456, 1456-1457, 1458, 1459, 1470, 1511, 1521, 1523, 1524, 1526, 1527, 1531, 1536, 1536-1537, 1540-1541, 1541, 1542, 1543, 1543-1544, 1544, 1544-1545, 1546, 1547, 1548, 1549.

Chabot, Jean, 1070, 1074, 1227, 1243, 1274, 1293(?), 1413-1414, 1465, 1538.

Chapais, Jean Charles, 1100, 1108, 1120, 1318, 1465-1466, 1476, 1539, 1546.

Chisholm, George King, 1082, 1083, 1156, 1184, 1192, 1234, 1235, 1239, 1240, 1241, 1242, 1246, 1247, 1248, 1351, 1360, 1362, 1405, 1451, 1551.

Christie, David, 1092, 1148, 1149, 1286, 1360, 1390, 1461, 1476, 1519.

Church, Basil Rorison, 1318, 1476.

Clarke, William, 1053, 1124, 1230, 1232, 1333, 1362, 1379, 1448, 1454, 1549.

Conger, Wilson Seymour, 1080, 1092, 1194, 1209, 1230, 1384, 1390, 1455, 1496-1497, 1508.

Cook, Ephraim, 1192, 1261, 1359.

Cooke, Alanson, 1120, 1359, 1373, 1384, 1400, 1415, 1466, 1467, 1468.

Crawford, George, 1263, 1267, 1312, 1390, 1400, 1401, 1403, 1416, 1433, 1437, 1459, 1460, 1462, 1479, 1519, 1521.

Crysler, John Pliny, 1120, 1233, 1234, 1476.

D

Daly, Thomas Mayne, 1167, 1192, 1261, 1331, 1351, 1359, 1441-1442, 1442, 1508.

Daoust, Charles, 1146-1147, 1373, 1519.

Daoust, Jean Baptiste, 1232.

Darche, Noël, 1053, 1233, 1318, 1331, 1332, 1335, 1359, 1385, 1476, 1519.

Delong, Jesse.

Desaulniers, Louis Léon Lesieur, 1512.

DeWitt, Jacob, 1080, 1100-1101, 1192, 1245, 1381, 1384, 1530-1531, 1538.

Dionne, Benjamin, 1156.

Dorion, Antoine Aimé, 1088, 1106, 1109, 1124, 1125-1127, 1127-1129, 1129, 1146, 1147, 1157, 1169, 1169-1170, 1171, 1171-1172, 1177, 1184, 1193, 1195, 1201, 1208, 1218, 1228, 1231, 1232, 1234, 1239, 1240, 1241, 1243, 1246, 1251(?), 1275, 1279-1280, 1288, 1308, 1319, 1331, 1333, 1359, 1361, 1370, 1372, 1372-1373, 1373, 1374, 1379, 1380, 1381, 1382, 1390, 1421, 1454-1455, 1460(?), 1481, 1481-1482, 1482-1483, 1483, 1484, 1485, 1519, 1549, 1550.

Dorion, Jean Baptiste Eric, 1070, 1084, 1089, 1096, 1120, 1145, 1149, 1251(?), 1312-1313, 1318, 1331, 1332, 1335, 1364-1365, 1366, 1371, 1390, 1448, 1460(?), 1464, 1469, 1476, 1519.

Dostaler, Pierre Eustache, 1156, 1476.

Drummond, Lewis Thomas, 1071, 1071-1072, 1072, 1073, 1104, 1107, 1110, 1312, 1319, 1324, 1325, 1332, 1334-1335, 1337, 1342, 1348, 1348-1350, 1350, 1351-1352, 1352, 1372, 1385, 1395, 1396, 1397-1398, 1398-1399, 1399, 1401, 1407, 1407-1408, 1408, 1409, 1419, 1423, 1436, 1437, 1444, 1445, 1459, 1461, 1469, 1476, 1480, 1481, 1482, 1488, 1502, 1510, 1510-1511, 1511, 1549, 1549-1550, 1551.

Dufresne, Joseph, 1095-1096, 1145, 1156, 1193, 1218, 1280, 1286, 1312, 1318, 1332, 1333, 1352, 1414, 1466, 1519.

E

Egan, John, 1288, 1318, 1476.

Evanturel, François, 1156, 1219, 1312, 1318, 1363, 1412-1413, 1519.

F

Fellowes (see Lyon).

Felton, William Locker Pickmore, 1096, 1107, 1129, 1129-1130, 1205, 1371, 1374, 1421, 1422, 1455, 1466.

Fergusson, Adam Johnston, 1060, 1232, 1261, 1262, 1432.

Ferres, James Moir, 1059, 1095, 1120, 1124, 1133, 1134, 1164, 1182, 1286, 1307, 1308, 1309, 1390, 1411-1412, 1434, 1497, 1498, 1519, 1550.

Ferrie, Robert, 1120, 1312, 1318, 1450.

Flint, Billa.

Foley, Michael Hamilton, 1053, 1065, 1070, 1073, 1080, 1110, 1169, 1182, 1261, 1286, 1318, 1327, 1353, 1362, 1442, 1510.

Fortier, Octave Cyrille, 1102, 1519.

Fortier, Thomas, 1156, 1225, 1476.

Fournier, Charles François, 1359.

Frazer, John, 1053, 1080, 1083, 1188f, 1234, 1390, 1459, 1461, 1462, 1476, 1521, 1522.

Freeman, Samuel Black, 1053, 1067, 1084, 1088, 1209, 1224, 1230, 1247, 1267, 1432, 1443, 1443-1444, 1448.

G

Galt, Alexander Tilloch, 1105, 1107, 1125, 1133, 1141, 1142, 1184-1185, 1193, 1200, 1201, 1201-1202, 1230, 1235, 1236, 1237, 1238, 1240, 1248, 1252, 1253, 1264, 1289, 1291, 1292, 1293(?), 1297, 1304-1306, 1307, 1321, 1326, 1339, 1368-1369, 1384, 1393-1394, 1394, 1394-1395, 1396, 1398, 1400, 1402, 1403, 1409, 1421, 1451, 1452, 1455, 1458, 1466, 1470, 1476, 1483, 1502, 1531-1532, 1532, 1534-1536, 1536, 1540, 1543, 1543(?), 1546, 1546-1547, 1547.

Gamble, John William, 1091-1092, 1184, 1247, 1248, 1264, 1270, 1312, 1319, 1321, 1326, 1337, 1340, 1341, 1342, 1346, 1421, 1424, 1432, 1448, 1450, 1455, 1529-1530, 1530, 1534, 1538.

Gill, Ignace, 1193, 1333, 1476.

Gould, Joseph, 1053, 1124, 1318, 1331.

Guévremont, Jean Baptiste.

H

Hartman, Joseph, 1053, 1058, 1068-1069, 1080, 1089-1090, 1090, 1090-1091, 1091, 1093, 1094, 1102, 1103-1104, 1106, 1107, 1120, 1156, 1231, 1232, 1233, 1246, 1261, 1267, 1286, 1318, 1332, 1350, 1360, 1378, 1390, 1400, 1432, 1455, 1476, 1519.

Holton, Luther Hamilton, 1056, 1070, 1083, 1086, 1089, 1107, 1120, 1129, 1132-1133, 1134, 1136, 1141, 1143, 1144, 1145, 1157, 1172, 1177-1178, 1195-1196, 1208, 1224, 1226, 1226-1227, 1227, 1228, 1228-1229, 1229, 1235, 1240, 1248, 1263, 1264, 1265, 1266, 1267, 1270, 1286, 1291, 1292, 1293, 1301, 1307,

1309, 1312, 1321, 1326, 1339, 1340, 1341, 1342, 1362, 1377, 1377-1378, 1390, 1395, 1436, 1451, 1455, 1461, 1469(?), 1476, 1507, 1510, 1524, 1530, 1531, 1533-1534, 1540, 1542, 1543, 1543(?), 1545-1546, 1546, 1548, 1550.

Huot, Pierre Gabriel.

J

Jackson, George, 1101-1102, 1108, 1120, 1230, 1232, 1250, 1363, 1488-1490, 1490, 1491-1492, 1493, 1497-1498, 1498, 1498-1499, 1508.

Jobin, Joseph Hilarion, 1231, 1233.

L

Labelle, Pierre, 1318.

Laberge, Charles Joseph, 1142, 1465, 1469.

Laporte, Joseph.

Larwill, Edwin, 1069, 1080, 1107, 1156, 1237, 1246, 1261, 1264, 1286, 1318, 1350, 1356f, 1414, 1422, 1444, 1542, 1547.

LeBoutillier, John, 1053.

Lemieux, François Xavier, 1125, 1185, 1200, 1219, 1325, 1350, 1353, 1371, 1383, 1384.

Loranger, Thomas Jean Jacques, 1074, 1102, 1108, 1142, 1173-1174, 1194, 1224, 1231, 1232, 1273-1274, 1318, 1322, 1323, 1339, 1344, 1345, 1352, 1390, 1397, 1400, 1402, 1411, 1443, 1476.

Lumsden, John MacVeigh, 1249, 1318.

Lyon (Fellowes), George Byron, 1098-1100, 1106, 1108, 1109, 1111, 1193, 1194, 1243, 1347, 1348, 1359, 1382, 1390, 1411, 1415, 1416, 1419, 1510.

M

Macbeth, George.

McCann, Henry Wellesly, 1084, 1318, 1359.

Macdonald, John Alexander, 1066, 1066-1067, 1080, 1085, 1086, 1120, 1124, 1125, 1141, 1148, 1163-1164, 1169, 1176, 1180-1182, 1185, 1193, 1194, 1209, 1226(?), 1228, 1230, 1238, 1240, 1241, 1248, 1249, 1288, 1319, 1338-1339, 1352, 1370, 1376, 1376-1377, 1377, 1380, 1396, 1397(?), 1402, 1403, 1404-

1405, 1424, 1450, 1451, 1452, 1452-1453, 1454, 1455, 1457-1458, 1459, 1469, 1479, 1483-1484, 1484-1485, 1485, 1486, 1490, 1505-1507, 1507-1508, 1510, 1511, 1521, 1533, 1542, 1550.

Macdonald, John Sandfield, 1062, 1063, 1066, 1109, 1110, 1112, 1122, 1125, 1141, 1156, 1172, 1174, 1184, 1193, 1194, 1208, 1226(?), 1228, 1230, 1232, 1233, 1235, 1236, 1238, 1239, 1240, 1241, 1242, 1251(?), 1251, 1253, 1265, 1288, 1299, 1310, 1311, 1318, 1322, 1323, 1325, 1332, 1342, 1342-1343, 1343, 1351, 1352, 1392, 1394, 1397(?), 1406-1407, 1407, 1410, 1421, 1423, 1434, 1434-1435, 1436, 1450, 1452, 1456, 1458, 1471, 1476, 1480-1481, 1482, 1509, 1511, 1532, 1542, 1548-1549, 1549, 1551.

McDonald, Roderick, 1120, 1157, 1233, 1286, 1392, 1450.

Mackenzie, William Lyon, 1053, 1061-1062, 1067-1068, 1073, 1074, 1086-1087, 1097, 1120, 1122, 1123, 1125, 1148, 1149, 1159-1161, 1162, 1165, 1166-1167, 1168, 1224, 1265-1266, 1267, 1270, 1311, 1340, 1341, 1376, 1378, 1390, 1394, 1395, 1396, 1408, 1415, 1439, 1442, 1456, 1459, 1460, 1461, 1462, 1476, 1495, 1499, 1501-1502, 1550.

MacNab, Allan Napier, 1392.

Marchildon, Thomas, 1183, 1205, 1414, 1476, 1505, 1519, 1539.

Masson, Luc Hyacinthe, 1080, 1093, 1109, 1111, 1112, 1120, 1135, 1145, 1149, 1224, 1312, 1354f, 1382, 1390, 1465, 1466, 1476, 1512, 1546, 1549.

Matheson, Donald, 1120, 1359.

Mattice, William, 1120, 1156, 1286.

Meagher, John, 1080.

Merritt, William Hamilton, 1080, 1083, 1088, 1157, 1203-1204, 1224, 1238, 1247, 1264, 1266, 1306-1307, 1361, 1392, 1409, 1418, 1432, 1436, 1461, 1528, 1529, 1533, 1534, 1538-1539.

Mongenais, Jean Baptiste.

Morrison, Angus, 1184, 1192, 1239, 1241, 1246-1247, 1247, 1248, 1363, 1396, 1432, 1476.

Morrison, Joseph Curran, 1058, 1060-1061, 1062-1063, 1063, 1064, 1065, 1120, 1192-1193, 1230, 1231, 1248, 1252, 1262, 1274-1275, 1275, 1275-1276, 1276, 1277, 1318, 1320, 1327, 1333, 1361, 1392, 1433, 1436, 1439, 1439-1440, 1441, 1443, 1460, 1462, 1499-1501.

Munro, Henry, 1120, 1156, 1261, 1270, 1318, 1331, 1362.

Murney, Edmund, 1167, 1406, 1418, 1444, 1445, 1447f, 1541, 1542.

N

Niles, William E.

O

O'Farrell, John, 1360.

P

Papin, Joseph, 1134-1135, 1135, 1135-1136, 1139, 1145, 1147, 1232, 1249, 1274, 1343, 1360, 1365, 1371, 1374, 1379, 1380, 1400, 1413, 1419, 1436, 1450, 1542.

Patrick, William, 1068, 1098, 1245, 1286, 1352, 1399, 1415, 1504, 1508.

Polette, Antoine, 1056, 1120, 1224, 1541, 1542, 1550.

Poulin, Joseph Napoléon, 1227, 1413(?), 1448.

Pouliot, Barthelemy, 1053, 1106, 1413(?), 1546, 1549.

Powell, William Frederick, 1073, 1149, 1241, 1242-1243, 1244, 1245, 1246, 1324, 1325, 1345-1346, 1355f, 1400, 1401, 1403, 1409, 1410, 1411, 1412, 1416, 1418, 1418-1419, 1419, 1421, 1508.

Prévost, Gédéon Mélasippe, 1053, 1082, 1089, 1125, 1159, 1194, 1318, 1432.

Price, David Edward, 1185, 1318.

R

Rankin, Arthur, 1120, 1157, 1246, 1252-1253, 1359, 1361, 1371, 1403, 1403-1404, 1404, 1405, 1416, 1423, 1424, 1502-1503, 1503-1504.

Rhodes, William, 1053, 1122, 1250, 1286, 1416, 1418, 1448, 1512.

Robinson, William Benjamin, 1069, 1070, 1074, 1086(?), 1094, 1120, 1161, 1162, 1163, 1165, 1167, 1168, 1202, 1209, 1241, 1250, 1252, 1311, 1363, 1371, 1384, 1392, 1412, 1454, 1461, 1526.

Roblin, David, 1124, 1261, 1279, 1455, 1476, 1519.

Rolph, John.

Ross, Dunbar, 1244-1245, 1245, 1264, 1325, 1395, 1414.

Ross, James, 1318.

S

Sanborn, John Sewell, 1053, 1089, 1091, 1095, 1107, 1108, 1130-1131, 1131, 1157, 1159, 1218-1219, 1319, 1333, 1366-1367, 1367, 1375, 1384, 1392, 1422, 1465, 1476.

Scatcherd, John, 1094-1095, 1156.

Shaw, James, 1288, 1476, 1519.

Sicotte, Louis Victor, 1069, 1073, 1091, 1097, 1101, 1105, 1106, 1107, 1109, 1120, 1122, 1136, 1137, 1138, 1141, 1144, 1145, 1149, 1156, 1165, 1167, 1192, 1208, 1232, 1235, 1236, 1237, 1238, 1239, 1252, 1253, 1270, 1280, 1286, 1288, 1308, 1318, 1323, 1324, 1325, 1337, 1340, 1341, 1342, 1344-1345, 1350, 1359, 1366, 1379, 1381, 1395, 1396, 1397, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1410, 1411, 1412, 1414, 1415, 1416, 1421, 1422, 1423, 1432, 1436, 1444, 1448, 1451, 1462, 1470, 1476, 1495, 1503, 1508, 1521, 1531, 1534, 1550.

Smith, Henry, 1053, 1094, 1096, 1104, 1110, 1125, 1164, 1172, 1172-1173, 1185, 1193, 1209, 1229, 1233, 1235, 1236, 1244, 1249, 1263, 1266, 1281, 1319, 1324, 1361, 1384, 1385, 1392, 1394, 1401, 1402, 1406, 1433, 1450, 1452, 1453-1454, 1454, 1481, 1511, 1521, 1524, 1534, 1541, 1542.

Smith, James, 1053, 1063, 1086(?), 1102, 1224, 1229, 1230, 1264, 1303(?), 1324, 1520-1521, 1529.

Smith, Sidney, 1053, 1063, 1063-1064, 1064, 1068, 1070, 1083, 1116f, 1123, 1142, 1156, 1178-1179, 1192, 1226, 1227, 1238, 1248, 1261, 1265, 1303(?), 1312, 1333.

Somerville, Robert Brown, 1094, 1105, 1134, 1383, 1384, 1390, 1462-1464, 1466, 1467, 1468.

Southwick, George, 1246, 1319.

Spence, Robert, 1090, 1103, 1249, 1455, 1492-1493, 1493-1494, 1494-1495, 1495-1496, 1498.

Stevenson, David Barker, 1082, 1159, 1164, 1192, 1193, 1203, 1229, 1231, 1263, 1312, 1327, 1360, 1385, 1392, 1409, 1434, 1442-1443, 1455, 1478, 1520, 1539.

Supple, James, 1288, 1416.

T

Taché, Joseph Charles, 1432.

Terrill, Timothy Lee, 1053, 1095, 1101, 1105, 1107, 1131-1132, 1132, 1148, 1156, 1169, 1193, 1261, 1263, 1326, 1327, 1346, 1363, 1367, 1390, 1401, 1402, 1403, 1409, 1419, 1460, 1464-1465.

Thibaudeau, Joseph Elie, 1131, 1344, 1352, 1538.

Turcotte, Joseph Edouard, 1134, 1144, 1177, 1204-1205, 1228, 1287, 1310-1311, 1325, 1400, 1412, 1504, 1541.

V

Valois, Michel François, 1432, 1448, 1469, 1476.

W

Whitney, Hannibal Hodges, 1083, 1123-1124, 1149, 1156, 1352.

Wilson, John, 1120, 1156, 1162-1163, 1175-1176, 1176, 1176-1177, 1184, 1192, 1194, 1195, 1207, 1209, 1229, 1245, 1261, 1270-1273, 1319, 1333, 1333-1334, 1335, 1350.

Wright, Amos, 1224, 1261.

Y

Yeilding, Agar, 1359, 1415, 1416, 1476.

Young, John, 1083, 1085, 1086, 1088, 1092, 1092-1093, 1140, 1141, 1195, 1198-1200, 1204, 1206, 1208, 1224, 1226, 1237, 1265, 1266, 1267, 1288, 1299, 1300-1301, 1301, 1312, 1327, 1362, 1449, 1453, 1454, 1469, 1470, 1471, 1476, 1519, 1527-1528, 1537, 1544.

